

HB100 INTRODUCED



1 HB100
2 ZQPF6KR-1
3 By Representative Brinyark
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 06-Jan-26



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4 SYNOPSIS:

5 This bill would mandate certain agencies to
6 collect biometric identifiers and provide for their
7 dissemination.

8 This bill would authorize the use of certain
9 approved biometric identification devices by law
10 enforcement officers to identify individuals.

11 This bill would establish and provide for the
12 operation of the Alabama Background Check Service.

13 This bill would provide for approved uses and
14 types of background checks for noncriminal justice
15 purposes.

16 This bill would authorize the Alabama State Law
17 Enforcement Agency (ALEA) to establish and collect fees
18 for background checks for noncriminal justice purposes.

19 This bill would establish the Alabama Rap Back
20 Program.

21 This bill would provide penalties for the misuse
22 of a background check report.

23 This bill would make various changes to update
24 terminology and would make nonsubstantive, technical
25 revisions to update the existing code language to
26 current style.

27 This bill would also repeal provisions of law
28 prohibiting the unauthorized release of criminal



29 history information.

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32 A BILL

33 TO BE ENTITLED

34 AN ACT

35

36 Relating to the Alabama Justice Information Commission;
37 to amend Sections 41-9-590, 41-9-594, 41-9-625, and 41-9-650,
38 Code of Alabama 1975, to mandate the collection and
39 dissemination of biometric identifiers by certain entities; to
40 authorize the use of certain approved biometric identification
41 devices by law enforcement officers to identify individuals;
42 to establish and provide for the operation of the Alabama
43 Background Check Service; to add Sections 41-9-650.1,
44 41-9-650.2, 41-9-650.3, 41-9-650.4, and 41-9-650.5 to the Code
45 of Alabama 1975, to authorize the Alabama State Law
46 Enforcement Agency (ALEA) to perform authorized background
47 checks for noncriminal justice purposes; to provide for
48 approved types and uses of background checks for noncriminal
49 justice purposes; to authorize the Secretary of ALEA to
50 establish and collect fees for background checks for
51 noncriminal justice purposes; to establish the Alabama Rap
52 Back Program; to provide penalties for the misuse of a
53 background check report; to make conforming changes to update
54 terminology; to make nonsubstantive, technical revisions to
55 update the existing code language to current style; and to
56 repeal Article 4 of Chapter 2 of Title 32, Code of Alabama



57 1975, regarding the dissemination of criminal history
58 information.

59 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

60 Section 1. Sections 41-9-590, 41-9-594, 41-9-625, and
61 41-9-650, Code of Alabama 1975, are amended to read as
62 follows:

63 "§41-9-590

64 When used in this article, the following terms ~~shall~~
65 have the following meanings, ~~respectively~~, unless the context
66 clearly indicates a different meaning:

67 (1) AJIC or COMMISSION. The Alabama Justice Information
68 Commission.

69 (2) ALEA. The Alabama State Law Enforcement Agency.

70 (3) ALEA CJIS. The Criminal Justice Information
71 Services Division of ALEA.

72 (4) BACKGROUND CHECK. A report produced by one or more
73 information systems within ALEA that identifies a specific
74 individual's criminal history record within the state criminal
75 history repository. The report may also include criminal
76 history record information from the national criminal history
77 repository maintained by the FBI or other public
78 safety-related information maintained or accessed through the
79 authority of ALEA.

80 (5) CRIMINAL HISTORY RECORD INFORMATION. Information
81 collected by criminal justice agencies on individuals
82 consisting of identifiable descriptions, including
83 fingerprints and other biometric information, and notations of
84 arrests, detentions, indictments, or other formal charges, and



85 any disposition arising therefrom, including acquittal,
86 sentencing, correctional induction, supervision, or release.
87 The term does not include identification information such as
88 fingerprint records if the information does not indicate the
89 individual's involvement with the criminal justice system.

90 ~~(3)~~ (6) CRIMINAL JUSTICE AGENCIES. Federal, state,
91 local, and tribal public agencies that perform substantial
92 activities or planning for activities relating to the
93 identification, apprehension, prosecution, adjudication, or
94 rehabilitation of civil, traffic, and criminal offenders.

95 ~~(4)~~ (7) CRIMINAL JUSTICE INFORMATION. ~~Data necessary for~~
96 ~~criminal justice~~ Information based upon data under the
97 authority of ALEA or AJIC necessary for criminal justice and
98 public safety agencies to perform their ~~duties and enforce~~
99 ~~existing law missions~~. This term includes, but is not limited
100 to, biometrics, business, biometric, identity history, person,
101 organization, and property, when accompanied by any personally
102 identifiable information, bond conditions and provisions, an
103 individual's identity history data, biographic information,
104 ~~case/incident~~ case or incident history reports~~data~~, and any
105 other data deemed criminal justice information by the FBI CJIS
106 Security Policy. ~~The term also includes ALEA-provided or FBI~~
107 ~~CJIS-provided data necessary to make hiring decisions. In~~
108 addition, the term may refer to the ALEA CJIS-provided or FBI
109 CJIS-provided data necessary for civil agencies to perform
110 their missions, including, but not limited to, data used to
111 make hiring decisions.

112 ~~(5)~~ (8) ~~CRIMINAL JUSTICE INFORMATION SERVICES DIVISION~~



113 ~~or~~ FBI CJIS. ~~The division of the Federal Bureau of~~
114 ~~Investigation that equips law enforcement, national security,~~
115 ~~and intelligence community partners with needed criminal~~
116 ~~justice information~~ The Criminal Justice Information Services
117 Division of the FBI that is responsible for the collection,
118 warehousing, and timely dissemination of relevant criminal
119 justice information to the FBI and to qualified law
120 enforcement, criminal justice, civilian, academic, employment,
121 and licensing agencies.

122 (9) FBI. The Federal Bureau of Investigation.

123 (10) IDENTITY HISTORY DATA. Textual data that
124 corresponds with an individual's biometric data, providing a
125 history of criminal and civil events for the identified
126 individual.

127 ~~(6)~~ (11) INFORMATION SYSTEM. A system of people, data,
128 and processes, whether manual or automated, established for
129 the purpose of managing information.

130 ~~(7)~~ (12) NLETS. ~~Network provider~~ The national
131 organization that provides for the exchange of criminal
132 justice and public safety information ~~among multiple~~ between
133 state, federal, and international criminal justice and public
134 safety agencies.

135 ~~(8)~~ (13) NLETS SYSTEM AGENCY ~~or~~ NSA. The state agency
136 responsible for the administration of ~~the NLETS network~~
137 information provided by NLETS to criminal justice and public
138 safety agencies within this state and who provides a
139 representative from the state for the governance of NLETS.

140 (14) NONCRIMINAL JUSTICE PURPOSE. The uses of criminal



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141 history records for purposes authorized by federal or state
142 law other than purposes relating to the administration of
143 criminal justice, including employment suitability, licensing
144 determinations, immigration and naturalization matters, and
145 national security clearances.

146 ~~(9)~~(15) OFFENSE. Any act that is a felony, misdemeanor,
147 state violation, municipal ordinance violation, or violation,
148 or an act of delinquency.

149 (16) RAP BACK. A system that enables authorized
150 entities to receive ongoing status notifications of any
151 criminal history reported by ALEA or the FBI on individuals
152 whose fingerprints are registered in the ALEA CJIS biometric
153 identity repository or the FBI CJIS national fingerprint file.

154 ~~(10)~~(17) SECRETARY. The Secretary of the Alabama State
155 Law Enforcement Agency.

156 ~~(11) SBI. The State Bureau of Investigation.~~

157 ~~(12)~~(18) USER AGENCY. Any agency or entity that
158 subscribes to, accesses, or views any ALEA information system
159 or service provided under the authority of this article."

160 "§41-9-594

161 (a) The commission shall ~~establish its own~~adopt rules
162 and policies for the performance of the responsibilities
163 ~~charged to it in~~under this article. Unless otherwise stated,
164 the rules of the commission are subject to the Administrative
165 Procedure Act, Chapter 22 of Title 41. ALEA may establish
166 procedures to implement the rules and policies of the
167 commission or as otherwise stated in state law.

168 (b) The commission shall ~~establish~~adopt rules and



169 policies that will restrict the information obtained under
170 authority of this article to the items germane to the
171 implementation of this article and restrict the use of
172 information only to authorized persons and agencies.

173 (c) The chair of the commission shall appoint a Privacy
174 and Security Committee from the membership of the commission
175 who are elected officials, or their designees, consisting of a
176 chair and three members, to study the privacy and security
177 implications of sharing criminal justice information and to
178 formulate rule or policy recommendations for consideration by
179 the commission concerning the collection, storage,
180 dissemination, or usage of criminal justice information.

181 (d) The commission may adopt rules and policies
182 regarding the collection, storage, and dissemination of
183 criminal justice information that conform to the policies of
184 the FBI CJIS. ~~The commission may adopt rules and policies that~~
185 ~~permit ALEA to perform background checks for noncriminal~~
186 ~~justice purposes and may provide for the procedure for~~
187 ~~obtaining the records including, but not limited to, charging~~
188 ~~a fee not to exceed twenty-five dollars (\$25) for securing~~
189 ~~records through ALEA. All fees shall be deposited into the~~
190 ~~State Treasury to the credit of the Public Safety Fund and~~
191 ~~shall be used to cover the expenses for improving criminal~~
192 ~~history records and the state repository at ALEA.~~

193 (e) ~~Any rule or policy of the commission to the~~
194 ~~contrary notwithstanding, the police department of any college~~
195 ~~or university in this state which offers medical, nursing, and~~
196 ~~health care education, or which operates a hospital may~~



197 ~~request from ALEA a criminal background check on any person~~
198 ~~who applies for employment with the college or university, and~~
199 ~~ALEA may charge a background search fee of up to twenty-five~~
200 ~~dollars (\$25) from each applicant for each search conducted on~~
201 ~~the applicant. All fee proceeds from the background check fee~~
202 ~~shall be deposited in the State Treasury to the credit of the~~
203 ~~Public Safety Fund and shall be used to cover expenses for~~
204 ~~improving criminal history records and the state repository at~~
205 ~~ALEA.~~

206 (e) The commission may direct ALEA CJIS to establish
207 procedures, manuals, documents, forms or requirements; perform
208 tasks to facilitate federal and state law; and perform tasks
209 to facilitate rules or policies established by the commission.
210 These directives and ALEA CJIS's subsequent response are not
211 subject to APA approval, but must be approved by the
212 commission.

213 (f) The ~~Unless otherwise provided by law, the~~
214 commission may establish a fee schedule for any services
215 rendered by ALEA under the authority of this article. All fees
216 shall be deposited into the State Treasury to the credit of
217 the Public Safety Fund and shall be used to support, develop,
218 maintain, and promote operations as authorized in this
219 article."

220 "§41-9-625

221 ~~(a) All persons in this state in charge of law~~
222 ~~enforcement and correctional agencies shall obtain biometric~~
223 ~~identifiers, which may include fingerprints, photographs, palm~~
224 ~~prints, retina scans, or other identifiers specified by the~~



225 ~~FBI, according to the biometric identification system at ALEA~~
226 ~~and the rules established by the commission of all persons~~
227 ~~arrested or taken into custody as fugitives from justice, and~~
228 ~~of all unidentified human corpses in their jurisdictions. All~~
229 ~~biometric identifiers collected according to this section~~
230 ~~shall be provided to ALEA according to the rules of the~~
231 ~~commission.~~

232 ~~(b) If any person arrested or taken into custody is~~
233 ~~subsequently released without charge or cleared of the offense~~
234 ~~through criminal justice proceedings, the disposition shall be~~
235 ~~reported by all state, county, and municipal criminal justice~~
236 ~~agencies to ALEA within 30 days of such action, and all of the~~
237 ~~information shall be eliminated and removed.~~

238 (a) When an individual is arrested for an offense, the
239 arresting agency shall obtain biometric identifiers, which may
240 include fingerprints, photographs, palm prints, iris scans, or
241 other identifiers specified by rule of AJIC, and provide this
242 information to ALEA according to the procedures established by
243 ALEA CJIS for inclusion in the state biometric identification
244 repository.

245 (b) When an individual is detained or taken into
246 custody as a fugitive from justice, the agency with custody
247 over the individual may obtain biometric identifiers, which
248 may include fingerprints, photographs, palm prints, iris
249 scans, or other identifiers specified by AJIC rule and provide
250 the information according to the procedures established by
251 ALEA CJIS. If the individual is subsequently released without
252 charge, released to the jurisdiction of the underlying arrest,



253 or otherwise cleared of the charged offense through criminal
254 justice proceedings, the involved agency shall notify ALEA
255 CJIS of the disposition within 30 days. Upon receiving
256 notification, ALEA shall remove all information regarding the
257 detainment or custodial event from all ALEA CJIS information
258 systems.

259 (c) All agencies that recover an unidentified human
260 corpse shall obtain biometric identifiers and provide this
261 information and other recovery event-related information to
262 ALEA according to the rules established by the commission and
263 procedures established by ALEA CJIS for inclusion in the state
264 biometric identification repository.

265 (d) A law enforcement officer may use a biometric
266 identification device with access to the state and federal
267 biometric identification repositories to identify an
268 individual to the extent allowed by state law in situations
269 that provide the officer authority to request or otherwise
270 take action to identify an individual. The device must meet
271 FBI or AJIC standards to compare the captured identifier to
272 the state or federal biometric identification repositories.
273 The commission shall establish rules for the use of these
274 devices and the resulting information returned from the use."

275 "§41-9-650

276 ~~In addition to any other requirements, any agency,~~
277 ~~board, or commission in this state that issues a permit or~~
278 ~~license, by rule, may require a criminal background check~~
279 ~~through ALEA as part of its licensing or permitting~~
280 ~~requirements. Any agency, board, or commission adopting a rule~~



281 ~~requiring a background check shall be subject to rules and~~
282 ~~procedures of the commission for the use of the background~~
283 ~~check.~~

284 (a) ALEA shall establish and operate a service, to be
285 called the Alabama Background Check Service, that allows
286 authorized persons and entities to obtain background checks on
287 individuals for noncriminal justice purposes.

288 (b) (1) AJIC shall adopt rules for the operation and use
289 of the Alabama Background Check Service.

290 (2) ALEA CJIS shall establish procedures that are
291 consistent with the commission's rules.

292 (c) ALEA may contract with one or more vendors or other
293 third-party entities to facilitate any or all functions of the
294 service on behalf of ALEA."

295 Section 2. Sections 41-9-650.1, 41-9-650.2, 41-9-650.3,
296 41-9-650.4, and 41-9-650.5 are added to the Code of Alabama
297 1975, to read as follows:

298 §41-9-650.1

299 (a) For the noncriminal justice purposes specified
300 herein, ALEA may provide a background check to any of the
301 following persons or entities:

302 (1) Any public or private employer to screen a
303 prospective employee or contractor or for other employment
304 purposes.

305 (2) Any government agency, board, or commission with
306 legal authority to issue a license, permit, or certification
307 to screen an applicant for the issuance or renewal of the
308 license, permit, or certification.



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309 (3) Any nonprofit or volunteer organization to screen a
310 prospective or current volunteer of the organization.

311 (4) Any housing authority or lessor of rental property
312 to screen a prospective or current resident.

313 (5) Any educational entity to screen student
314 applicants, prospective or current volunteers involved with
315 entity-related activities, or other individuals directly
316 related to the operations or events of the entity and subject
317 to the entity's authority.

318 (6) Any agency or organization established by federal
319 or state law for an official purpose of the agency or
320 organization.

321 (7) Any person or entity authorized by the rules of the
322 commission to obtain a background check for noncriminal
323 justice purposes.

324 (b) Except as otherwise provided by law, an individual
325 who is the subject of a background check for noncriminal
326 justice purposes shall provide express permission for the
327 release of information to the authorized person or entity
328 requesting the check prior to ALEA's dissemination of
329 background check information. The subject's express permission
330 shall be maintained, physically or digitally, by the
331 requesting person or entity for a period of three years or for
332 the term of the subject's association with the requester,
333 whichever is longer.

334 (c) A background check may not be provided on any
335 individual under 18 years of age without parental consent.

336 (d) Any person or entity that is authorized by state



337 law to perform a background check or allowed by law to adopt
338 rules requiring a background check is subject to the AJIC
339 rules and ALEA procedures described in Section 41-9-650.

340 (e) The commission may require a person or entity to
341 develop background check guidelines for the commission's
342 review and approval prior to allowing the release of
343 background check information to that person or entity.

344 (f) Background check information may only be
345 disseminated for the specific purposes listed in this section.
346 No person or entity that has received background check
347 information from ALEA shall subsequently disseminate the
348 background check information to any other person or entity.

349 (g) Any recipient of a background check record may be
350 subject to an audit by ALEA CJIS.

351 §41-9-650.2

352 (a) The Alabama Background Check Service may be
353 provided through a biometric-based or a name-based search for
354 a background check record.

355 (b) A name-based search shall be initiated by
356 submitting an individual's name to ALEA through an Internet
357 web portal or other commission-approved mechanism, which shall
358 allow for the electronic transfer of records and shall only
359 return state information results.

360 (c) The response to a biometric-based search shall only
361 be provided upon the receipt of biometric information by ALEA
362 or a commission-approved third-party entity acting on behalf
363 of ALEA that meets all FBI standards for biometric
364 identification collection. This search shall provide state



365 information results, as well as other state and federal
366 information as allowed by law.

367 (d) An applicant for a license, permit, or
368 certification shall provide the issuing government agency,
369 board, or commission with his or her name, date of birth,
370 Social Security number, and express permission for the release
371 of information on a form sworn by the applicant. This
372 information shall be digitally provided to ALEA. If a
373 biometric-based check is requested, the applicant shall submit
374 fingerprints or other biometrics in accordance with AJIC rules
375 and ALEA CJIS procedures. If a national record check is
376 required, ALEA shall forward or process the applicant's prints
377 or other biometrics to the FBI for a national criminal
378 background check in a manner consistent with federal law.

379 §41-9-650.3

380 (a) The secretary may establish reasonable record fees
381 for the provision of a background check report, not to exceed
382 thirty dollars (\$30). The record fee may be waived at the
383 discretion of the secretary.

384 (b) Additional costs may be assessed to a person or
385 entity requesting a background check for any of the following:

386 (1) The cost for a national criminal background check,
387 as determined by the FBI.

388 (2) Financial transaction fees.

389 (3) A reasonable one-time account registration fee.

390 (c) ALEA may enter into an agreement with one or more
391 vendors or other third-party entities to perform background
392 check services for ALEA on the basis of fee sharing or by



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393 adding an additional convenience fee for third-party services.

394 (d) Requests for background checks made by the Alabama
395 Peace Officers' Standards and Training Commission or by any
396 criminal justice agency are exempt from fees established
397 pursuant to this section if the request is made for criminal
398 justice purposes or for the purpose of making an employment
399 suitability decision.

400 (e) All monies received for background checks shall be
401 deposited in the State Treasury to the credit of the Public
402 Safety Fund. The monies shall be used for the purposes of ALEA
403 CJIS and for other ALEA expenses as determined by the
404 secretary.

405 §41-9-650.4

406 (a) As part of the Alabama Background Check Service,
407 ALEA may establish the Alabama Rap Back Program. If
408 established, ALEA shall participate in the FBI's Next
409 Generation Identification (NGI) Rap Back Service. The purpose
410 of the rap back service is to allow ALEA to notify
411 participating entities when an enrolled individual is the
412 subject of a rap back notification event, including, but not
413 limited to, being arrested for or convicted of an offense.

414 (b) As used in this section, the following words have
415 the following meanings:

416 (1) INDIVIDUAL. Any individual who has undergone a
417 fingerprint-based background check in order to care for
418 children, the disabled, or the elderly, or to be licensed,
419 certified, or to perform volunteer service, or for any other
420 FBI or federally authorized purpose with a participating



421 entity and who has been enrolled by that participating entity
422 in the Alabama Rap Back Program.

423 (2) PARTICIPATING ENTITY. An entity with statutory
424 authority to require an individual to undergo a
425 fingerprint-based background check as a condition to care for
426 children, the disabled, or the elderly, or to be licensed,
427 certified, or to perform volunteer service, or for any other
428 FBI or federally authorized purpose and has elected to enroll
429 those individuals in the Alabama Rap Back Program.

430 (c) ALEA may submit fingerprints and accompanying
431 records to the FBI to be retained in and advised through the
432 FBI's NGI Rap Back Service when an enrolled individual is
433 arrested for or convicted of a criminal offense. Fingerprints
434 submitted to the FBI may be used for future searches,
435 including latent searches.

436 (d) ALEA shall ensure that notification is made to the
437 participating entity that enrolls an individual in the Alabama
438 Rap Back Program when an FBI Rap Back report notification is
439 received. The information contained in the notification shall
440 be used by the participating entity for purposes of
441 determining the eligibility of the continued service of the
442 individual and shall not be further disseminated.

443 (e) No liability shall be imposed upon any law
444 enforcement official who disseminates information, or does not
445 disseminate information, in a good faith attempt to comply
446 with the requirements of this section. Nothing in this
447 subsection shall be construed to grant immunity for gross
448 negligence or willful misconduct.



449 (f) ALEA shall adopt rules governing the operation and
450 maintenance of the Alabama Rap Back Program and the removal
451 and destruction of records on individuals who are deceased or
452 who are no longer individuals as defined in this section. Such
453 rules shall provide that a participating entity shall
454 disenroll any individual who is deceased or is no longer an
455 individual as defined in this section within five business
456 days of death or such event that no longer requires the
457 individual to be enrolled in the Alabama Rap Back Program to
458 ensure the prompt removal and destruction of records from the
459 Alabama Rap Back Program.

460 (g) ALEA may assess an annual fee not to exceed twelve
461 dollars (\$12) per individual enrolled in the Alabama Rap Back
462 Program. The fee shall be paid by the participating entity
463 enrolling an individual in the Alabama Rap Back Program. When
464 more than one participating entity enrolls the same individual
465 in the Alabama Rap Back Program, both participating entities
466 shall be responsible for paying the full cost for maintenance
467 and notification. Any fees collected shall be deposited in the
468 State Treasury to the credit of the Public Safety Fund. Such
469 monies shall be used for the purposes of ALEA CJIS and for
470 other ALEA expenses as determined by the secretary.

471 (h) No participating entity authorized to submit
472 fingerprints shall be considered negligent per se in a civil
473 action solely because the entity elected not to enroll an
474 individual in the Alabama Rap Back Program pursuant to this
475 section.

476 (i) ALEA may establish an in-state rap back service for

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477 any person or entity that does not qualify to receive
478 information from the FBI Rap Back Service but that has
479 authority to require a state-only background check.

480 \$41-9-650.5

481 (a) An individual commits the crime of misuse of a
482 background check report if he or she does any of the
483 following:

484 (1) Knowingly receives, disseminates, or otherwise uses
485 a background check contrary to the purposes allowed by this
486 article or otherwise allowed in law.

487 (2) Performs a background check on an individual
488 without first receiving a release, when required, from the
489 subject of the report.

490 (3) Willfully uses information submitted to the Alabama
491 Rap Back Program for purposes not authorized in this article
492 with the intent to harass or intimidate another individual.

493 (b) Misuse of a background check report is a Class B
494 misdemeanor.

495 Section 3. Article 4 of Chapter 2 of Title 32, Code of
496 Alabama 1975, relating to the release of criminal history
497 information, is repealed.

498 Section 4. This act shall become effective on October
499 1, 2026.