

1 HB259
2 126581-3
3 By Representative Wren
4 RFD: Public Safety and Homeland Security
5 First Read: 22-MAR-11

1 ENGROSSED

2
3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Sections 41-9-590, 41-9-591, 41-9-592,
9 41-9-594, 41-9-595, 41-9-597, 41-9-600, 41-9-601, 41-9-621 to
10 41-9-623, inclusive, 41-9-625, and 41-9-630, Code of Alabama
11 1975, to further provide for the operation, powers, and duties
12 of the Alabama Criminal Justice Information Center Commission
13 and the Alabama Criminal Justice Information Center, including
14 the providing of information related to homeland security; to
15 further provide for crimes and penalties related to
16 violations; to ratify and implement the National Crime
17 Prevention and Privacy Compact; to authorize any licensing or
18 permitting agency or board to require a criminal background
19 check by rule as a part of its licensing or permitting
20 requirements; and in connection therewith would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, now appearing as
24 Section 111.05 of the Official Recompilation of the
25 Constitution of Alabama of 1901, as amended.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 41-9-590, 41-9-591, 41-9-592,
2 41-9-594, 41-9-595, 41-9-597, 41-9-600, 41-9-601, 41-9-621 to
3 41-9-623, inclusive, 41-9-625, and 41-9-630, Code of Alabama
4 1975, are amended to read as follows:

5 "§41-9-590.

6 "When used in this article, the following terms
7 shall have the following meanings, respectively, unless the
8 context clearly indicates a different meaning:

9 "~~(6)~~ (1) ACJIC. The Alabama Criminal Justice
10 Information Center.

11 "~~(7)~~ (2) CENTER. The Alabama Criminal Justice
12 Information Center.

13 "~~(4)~~ (3) COMMISSION. The Alabama Criminal Justice
14 Information Center Commission.

15 "~~(1)~~ (4) CRIMINAL JUSTICE ~~AGENCIES~~ AGENCY. Such term
16 shall include those public agencies at all levels of
17 government which perform as their principal function
18 activities or planning for such activities relating to the
19 identification, apprehension, prosecution, adjudication or
20 rehabilitation of civil, traffic and criminal offenders.

21 "~~(5)~~ ~~ACJICC. The Alabama Criminal Justice~~
22 ~~Information Center Commission.~~

23 "~~(8)~~ (5) DIRECTOR. The Director of the Alabama
24 Criminal Justice Information Center.

25 "(6) EMERGENCY RESPONSE AGENCY. Includes non-law
26 enforcement public agencies at all levels of government which
27 perform as their principal function activities or planning for

1 any activities relating to the protection of the public and
2 response to emergency situations and homeland security.

3 ~~"(3)(7) CRIMINAL JUSTICE INFORMATION SYSTEM and~~
4 ~~SYSTEM. Such terms shall include that portion of those public~~
5 ~~agencies, procedures, mechanisms, media and Criminal Justice~~
6 ~~Information Center forms as well as the information itself~~
7 ~~involved in the origination, transmittal, storage, retrieval,~~
8 ~~analysis and dissemination of information related to reported~~
9 ~~offenses, offenders and actions related to such events or~~
10 ~~persons required to be reported to and received by, as well as~~
11 ~~stored, analyzed and disseminated by the Alabama Criminal~~
12 ~~Justice Information Center Commission through the center. The~~
13 ~~combination of information technology, including computer~~
14 ~~equipment and infrastructure, data, forms, procedures, and~~
15 ~~mechanisms for the origination, transmittal, storage,~~
16 ~~retrieval, analysis, and dissemination of data, and the people~~
17 ~~who collect and use the data.~~

18 ~~"(2)(8) OFFENSE. Any act which is a felony, or is a~~
19 ~~misdemeanor, state violation, or a municipal violation as~~
20 ~~described in Section 41-9-622.~~

21 ~~"(9) PARTICIPATING AGENCY. Any agency or entity that~~
22 ~~subscribes to, accesses, or views any ACJIC information~~
23 ~~system.~~

24 ~~"§41-9-591.~~

25 ~~"(a) There is hereby created and established an~~
26 ~~Alabama Criminal Justice Information Center Commission, which~~
27 ~~shall establish, develop, and continue to operate a center and~~

1 ~~system for the interstate and intrastate accumulation,~~
2 ~~storage, retrieval, analysis and dissemination of vital~~
3 ~~information relating to certain crimes, criminals and criminal~~
4 ~~activity to~~ information systems to support criminal justice,
5 law enforcement, homeland security, and emergency response
6 agencies. The center shall be known as the Alabama Criminal
7 Justice Information Center.

8 "(b) Central responsibility for the development,
9 maintenance, operation, and administration of the ~~Alabama~~
10 ~~Criminal Justice Information Center~~ center shall be vested
11 with the Director of ~~the~~ ACJIC under the supervision of the
12 ~~Alabama Criminal Justice Information Center Commission~~
13 commission.

14 "(c) The center shall be designated the CJIS Systems
15 Agency (CSA) to the Federal Bureau of Investigation Criminal
16 Justice Information Systems Division, or its successor, and
17 the Nlets System Agency (NSA) to Nlets, or its successor. The
18 center shall have the authority to enforce all laws and
19 regulations regarding transmittal, exchange, and retrieval of
20 information with and through these entities. The director, or
21 his or her designee, shall serve as the representative to
22 these entities.

23 "§41-9-592.

24 "(a) The commission shall be composed of two
25 sections.

26 "(b) The voting section ~~will~~ shall include all of
27 the following:

- 1 "(1) The ~~the~~ Attorney General~~.~~
- 2 "(2) The ~~the~~ Chairman of the Board of Pardons and
3 Paroles~~.~~
- 4 "(3) The ~~the~~ Commissioner of the Board of
5 Corrections~~.~~
- 6 "(4) The ~~the~~ President of the Alabama Sheriffs'
7 Association~~.~~
- 8 "(5) The ~~the~~ Director of the Department of Public
9 Safety~~.~~
- 10 "(6) The ~~the~~ President of the Alabama Association of
11 Chiefs of Police~~.~~
- 12 "(7) The ~~the~~ Director of the Alabama ~~Law Enforcement~~
13 ~~Planning Agency,~~ Department of Economic and Community Affairs.
- 14 "(8) The ~~the~~ President of the Alabama District
15 Attorney's Association~~.~~
- 16 "(9) The ~~the~~ President of the Alabama Circuit
17 Clerks' Association~~.~~
- 18 "(10) The ~~the~~ Chief Justice of the Alabama Supreme
19 Court~~.~~
- 20 "(11) The ~~the~~ President of the Alabama ~~Association~~
21 ~~of Intermediate Court Judges,~~ District Judges' Association.
- 22 "(12) The ~~the~~ President of the Alabama Circuit
23 Judges' Association~~.~~
- 24 "(13) The ~~the Governor's coordinator of Alabama~~
25 ~~Highway and Traffic Safety and~~ Director of the Department of
26 Homeland Security.

1 "(14) The State Chief Information Officer, or if not
2 appointed, the Director of the Data Systems Management
3 Division Information Services Division of the Alabama
4 Department of Finance.

5 "(15) The Director of the Alabama Emergency
6 Management Agency.

7 "(c) The advisory section will shall include: the
8 presiding officer of the Alabama Senate, the Speaker of the
9 Alabama House of Representatives, the President of the
10 Association of County Commissions of Alabama, the President of
11 the Alabama League of Municipalities, the Administrative
12 Director of the Courts, the Executive Director for the Alabama
13 Peace Officers' Standards and Training Commission, the
14 Director of the Alabama Sentencing Commission, a
15 representative of entities who own or operate critical
16 infrastructure (as defined at 42 U.S.C. §5195c(e), as amended)
17 in the State of Alabama, to be appointed by the Governor, and
18 a citizen of the State of Alabama, to be appointed by the
19 Governor.

20 "(d) The non-appointed member shall have authority
21 to select a designee based upon qualifications and with a view
22 of continuity of representation and attendance at the
23 commission meetings.

24 "(e) No person or individual shall continue to serve
25 on the commission when he or she no longer officially
26 represents the function or serves in the capacity enumerated
27 in this section as a member to which he or she was elected or

1 appointed, except the critical infrastructure and citizen
2 appointees who serve at the pleasure of the Governor.

3 "(f) A report of the commission's work shall be
4 provided to the Alabama Legislature by the 5th legislative day
5 of each regular session of the Legislature.

6 "§41-9-594.

7 "(a) The commission shall establish its own rules,
8 regulations, and policies for the performance of the
9 responsibilities charged to it in this article.

10 "(b) The commission shall ensure that: The the
11 information obtained under authority of this article is
12 restricted to the items germane to the implementation of this
13 article; and that the Alabama Criminal Justice Information
14 Center (ACJIC) center is administered so as not to accumulate
15 or distribute any information not required by this article;
16 and.

17 "(c) The commission shall ensure that adequate
18 safeguards are incorporated so that data available through
19 this system ACJIC information systems is used only by properly
20 authorized persons and agencies.

21 "(b)(d) The chair of the commission shall appoint a
22 Privacy and Security Committee from the membership of the
23 commission who are elected officials or their designees,
24 consisting of a chair and three members, to study the privacy
25 and security implications of criminal justice sharing
26 information through ACJIC information systems and to formulate
27 policy recommendations for consideration by the commission

1 concerning the collection, storage, dissemination, or usage of
2 ~~criminal justice~~ the information.

3 ~~"(c)(e)~~ (e) The commission may adopt policies regarding
4 the collection, storage, and dissemination of ~~arrest and~~
5 ~~criminal history~~ information that conform to the policies of
6 the ~~National Crime Information Center of the~~ Federal Bureau of
7 Investigation Criminal Justice Information Systems Division.

8 ~~"(f)~~ (f) The commission may adopt policies and
9 regulations to permit ACJIC ~~may supply employee criminal~~
10 ~~records as provided in subsection (a) and~~ to perform
11 name-based background checks through the ACJIC information
12 systems for noncriminal purposes. The commission may limit who
13 may receive this information and may provide for the procedure
14 for obtaining the records including, but not limited to,
15 charging a ~~twenty-five dollar (\$25) fee~~ fees not to exceed
16 twenty-five dollars (\$25) for securing records through ~~the~~ an
17 ACJIC information system.

18 ~~"(d)(g)~~ (g) Any rule, regulation, or policy of the
19 commission to the contrary notwithstanding, the police
20 department of any college or university in this state which
21 offers medical, nursing, and health care education, or which
22 operates a hospital, including, but not limited to, the
23 University of Alabama in Birmingham and the University of
24 South Alabama, and excluding the University of Alabama in
25 Tuscaloosa may request from the ACJIC a criminal background
26 check on any person who applies for employment with the
27 college or university, and may charge a background search fee

1 of twenty-five dollars (\$25) from each applicant for each
2 search conducted on the applicant.

3 "(h) The commission may establish a fee schedule for
4 services rendered to participating agencies.

5 "(i) All fee proceeds from the background check fee
6 or fees for other services provided by the center shall be
7 deposited in the State Treasury to the credit of the Criminal
8 Justice Information System Automation Fund and shall be
9 expended for any purposes for which the ACJIC is authorized to
10 expend funds appropriated to that department.

11 "(j) The commission may adopt rules, policies, and
12 procedures regarding the collection, storage, and
13 dissemination of homeland security information that conform to
14 the policies of the state Department of Homeland Security and
15 the federal Department of Homeland Security, or other
16 appropriate federal regulations.

17 "(k) ACJIC shall not provide civil circuit or
18 district court records, nor provide access to civil circuit or
19 district court records, to any entity without express written
20 authorization of the Administrative Director of Courts.

21 "(l) Notwithstanding any other provisions of this
22 section, county and municipal governments and their
23 instrumentalities may directly contract with ACJIC to perform
24 background checks through an ACJIC information system. The
25 cost of a check may not exceed fifteen dollars (\$15) per
26 check. Fifty percent of the total amount expended by an agency
27 or its parent governmental body shall be applied as a credit

1 against the fees incurred by that agency for other services
2 provided to it directly by ACJIC.

3 "§41-9-595.

4 "The ~~commission~~ Governor shall appoint a director
5 and, upon the request and recommendation of the director, a
6 deputy director for the Alabama Criminal Justice Information
7 Center who shall be responsible for the development,
8 maintenance, and operation of ~~the~~ ACJIC as required by the
9 terms of this article and the implementation and operation of
10 policies, programs, and procedures established by the
11 commission under the limitations of this article. The
12 qualifications and salary of the director and deputy director
13 shall be ~~determined by the State Personnel Department~~ set by
14 the Governor. ~~The salary class of the director shall be equal~~
15 ~~to the salary class of the Chief Information Officer. The~~
16 ~~salary class of the deputy director shall be at a class two~~
17 ~~less than the director.~~

18 "§41-9-597.

19 "The staff ~~and personnel~~ employed by the commission
20 for the development and operation of the center and system
21 shall be governed by the personnel Merit System rules and
22 regulations of the State Personnel Department.

23 "~~Employees of agencies or institutions which are~~
24 ~~transferred to the center or commission under the provisions~~
25 ~~of this article shall remain in their respective employments~~
26 ~~and shall be considered to meet the requirements of the~~
27 ~~department in terms of training and experience, but nothing in~~

1 ~~this section shall be construed to prevent or preclude the~~
2 ~~removal of an employee for cause in the manner provided by~~
3 ~~law. Such employees shall continue to enjoy employment~~
4 ~~conditions, including, but not limited to, salary range and~~
5 ~~advancement at a level no less than those enjoyed prior to~~
6 ~~transfer to the center or commission. All time accumulated~~
7 ~~while engaged in such prior employment shall be credited~~
8 ~~toward all privileges enjoyed under state merit employment.~~

9 "§41-9-600.

10 "Any officer or official mentioned in this article
11 who neglects or refuses to make any report, submit
12 information, or to do any other act required in this article
13 with respect to any offense shall be subject to prosecution
14 for a misdemeanor and, if found guilty, may be fined not less
15 than ~~\$100.00~~ one hundred dollars (\$100) nor more than
16 ~~\$10,000.00~~ ten thousand dollars (\$10,000) and may be confined
17 in a county jail for not more than one year. ~~He~~ The officer or
18 official shall also be subject to prosecution for nonfeasance
19 and, if found guilty, shall be subject to removal from office
20 therefor.

21 "§41-9-601.

22 "(a) A person commits the crime of misuse of ACJIC
23 information if he or she does either of the following:

24 "(1) Willfully ~~Any person who willfully~~ requests,
25 obtains, or seeks to obtain ~~criminal offender record~~
26 information from an ACJIC information system under false
27 pretenses ~~or.~~

1 "(2) Willfully who willfully communicates or seeks
2 to communicate ~~criminal offender record~~ information from an
3 ACJIC information system to any agency or person except in
4 accordance with this article, ~~or.~~

5 "(b) A any member, officer, employee, or agent of
6 the ~~ACJIC~~ commission, the ACJIC center, or any participating
7 agency who commits the crime of misuse of ACJIC information if
8 he or she willfully falsifies criminal offender record
9 information or any records relating thereto shall, for each
10 offense, be fined not less than \$5,000.00 nor more than
11 \$10,000.00 or imprisoned in the state penitentiary for not
12 more than five years or both maintained in or accessible by an
13 ACJIC information system.

14 "(c) Misuse of ACJIC information is a Class B
15 felony.

16 "(d) Misuse of each individual record constitutes a
17 separate offense under this section.

18 "§41-9-621.

19 "The commission, acting through the ~~Director of the~~
20 ~~Alabama Criminal Justice Information Center~~ director, shall:

21 "(1) Develop, operate and maintain ~~an~~ information
22 ~~system~~ systems which will support the collection, storage,
23 retrieval, analysis, ~~and dissemination of all crime and~~
24 ~~offender~~ criminal justice and homeland security data,
25 including, but not limited to, biometrics and geospatial
26 information, described in this article consistent with those
27 principles of scope, security, ~~and responsiveness~~ prescribed

1 by this article~~7~~. The primary mission of the center is to
2 serve the informational needs of criminal justice and
3 emergency response agencies and other agencies specifically
4 authorized by law by connecting local, county, state, and
5 federal authorities to a centralized state clearinghouse of
6 information. ~~The~~ In addition to its primary mission, the
7 commission may establish regulations to allow ~~other~~ additional
8 governmental agencies and nongovernmental entities or
9 individuals to access ACJIC information systems or use its
10 resources. The commission may establish a reasonable fee
11 schedule to recoup costs for providing its services.

12 "(2) Cooperate with all criminal justice and
13 emergency response agencies within the state in providing
14 those forms, procedures, standards, and related training
15 assistance necessary for the uniform and integrated operation
16 of the statewide ACJIC ~~crime reporting and criminal justice~~
17 ~~information system~~~~7~~.

18 "(3) Offer assistance and, when practicable,
19 instruction to all criminal justice and emergency response
20 agencies in establishing efficient systems for information
21 management~~7~~.

22 "~~(4) Compile statistics on the nature and extent of~~
23 ~~crime in Alabama and compile data for planning and operating~~
24 ~~criminal justice agencies; provided, that such statistics~~
25 ~~shall not identify persons. The commission shall make~~
26 ~~available all such statistical information obtained to the~~
27 ~~Governor, the Legislature, the judiciary and any such other~~

1 governmental agencies whose primary responsibilities include
2 the planning, development or execution of crime reduction
3 programs. Access to such information by such governmental
4 agencies shall be on an individual written request basis or in
5 accordance with the approved operational procedure, wherein
6 must be demonstrated a need to know, the intent of any
7 analyses and dissemination of such analyses, and shall be
8 subject to any security provisions deemed necessary by the
9 commission;

10 "(4) Develop, operate, and maintain a unit within
11 ACJIC to be known as the Alabama Statistical Analysis Center
12 that shall perform the following operations:

13 "a. Compile general statistics on the nature and
14 extent of crime in Alabama to be made available to the public.
15 These statistics shall be updated and published on a regular
16 basis no less frequently than annually. No statistics
17 available to the public pursuant to this paragraph shall
18 identify persons.

19 "b. Make available all criminal statistical
20 information obtained and developed by ACJIC to the Governor,
21 the Legislature, the judiciary, and any other governmental
22 agencies whose responsibilities include the planning,
23 development, or execution of crime reduction programs. Access
24 to information by a governmental agency shall be pursuant to
25 an individual written request or in accordance with the
26 approved operational procedures, which shall be based on a
27 demonstrated need to know, considering the intent for the use

1 and dissemination of the information. Access to information
2 may be subject to any security provisions deemed necessary by
3 the commission. No statistics generated pursuant to this
4 paragraph shall identify persons.

5 "c. Provide statistical and investigative data
6 including identifying information pertaining to individuals
7 listed on incident/offense and arrest reports to participating
8 law enforcement agencies based upon the data collected from
9 the agencies' uniform crime reports submitted pursuant to
10 Section 41-9-620.

11 ~~"(5) Periodically publish statistics, no less~~
12 ~~frequently than annually, that do not identify persons and~~
13 ~~report such information to the chief executive officers of the~~
14 ~~agencies and branches of government concerned; such~~
15 ~~information shall accurately reflect the level and nature of~~
16 ~~crime in this state and the general operation of the agencies~~
17 ~~within the criminal justice system;~~

18 "(5) Provide for research and development activities
19 that will encourage the application of advanced technology,
20 including the development of prototype systems and procedures,
21 the development of plans for the implementing of these
22 prototypes, and the development of technological expertise
23 which can provide assistance in the application of technology
24 in records management and information sharing systems in
25 Alabama.

26 "(6) Make available, upon request, to all any local,
27 state, including any other state, or federal criminal justice

1 ~~agencies in this state, to all federal criminal justice and or~~
2 ~~criminal identification agencies and to state criminal justice~~
3 ~~and criminal identification agencies in other states~~ agency
4 any criminal justice information in the ~~files of the~~ ACJIC
5 information systems which will aid these agencies in crime
6 fighting; ~~for.~~ For this purpose ~~the~~ ACJIC shall operate 24
7 hours per day, seven days per week; The commission may adopt
8 policies to share criminal justice information with
9 international criminal justice agencies.

10 "(7) Cooperate with other agencies of this state,
11 the crime information agencies of other states and the uniform
12 crime reports and national crime information center systems of
13 the Federal Bureau of Investigation or any entity designated
14 by the federal government as the central clearinghouse for
15 criminal justice information systems in developing and
16 conducting an interstate, national, and international system
17 of criminal identification, records and statistics; .

18 "(8) Provide the administrative mechanisms and
19 procedures necessary to respond to those individuals who file
20 requests to view their own records as provided for elsewhere
21 in this article and to cooperate in the correction of the
22 central ACJIC records and those of contributing agencies when
23 their accuracy has been successfully challenged either through
24 the related contributing agencies or by court order issued on
25 behalf of the individual; .

26 "(9) Institute the necessary measures in the design,
27 implementation, and continued operation of the ~~criminal~~

1 ~~justice~~ ACJIC information system to ensure the privacy and
2 security of the system. ~~Such~~ Any privacy and security measures
3 ~~must~~ shall meet standards to be set by the commission as well
4 as those set by the nationally operated systems for interstate
5 sharing of such information; ~~and~~. The measures instituted may
6 include the suspension of access to ACJIC information systems
7 pending investigation and prosecution of misuse of ACJIC
8 information and the denial of access for the conviction of any
9 criminal offense. ACJIC shall be exempt from Sections 41-22-12
10 to 41-22-21, inclusive.

11 "(10) Designate in writing agents or employees of
12 ~~the~~ ACJIC who shall be and are hereby constituted peace
13 officers of the State of Alabama with full and unlimited
14 police power and statewide jurisdiction. ~~to~~ The designated law
15 enforcement officers shall investigate misuse of ACJIC
16 information systems and enforce the laws of this state
17 pertaining to the operation and administration of the ~~Alabama~~
18 criminal justice information system center and the storage,
19 use, and dissemination of information processed therein by
20 ACJIC information systems and may assist other criminal
21 justice agencies upon request with investigations or as
22 further directed by the commission or director.

23 "(11) Perform other duties to facilitate the
24 integration, collaboration, and cooperation of all criminal
25 justice and emergency response agencies through information
26 sharing as deemed necessary by the commission, including, but
27 not limited to, providing information services to such

1 additional agencies, entities, or individuals and support to
2 the state fusion center. Any information system developed
3 under this subdivision shall be reviewed by the Privacy and
4 Security Committee before recommendation to the commission.

5 "§41-9-622.

6 "(a) The commission may obtain, compare, file,
7 analyze, and disseminate, and all shall maintain the state's
8 criminal history files within the ACJIC information systems in
9 accordance with federal regulations and this article. The
10 files shall be compared, analyzed, and disseminated according
11 to this article.

12 "(b) All state, county, and municipal criminal
13 justice agencies are required to report shall submit to ACJIC
14 all fingerprints, descriptions, photographs, and any other
15 pertinent identifying and historical criminal data for
16 inclusion in the criminal history files on the following
17 persons:

18 "(1) Persons who have been or are hereafter arrested
19 or convicted in this state or any state for an offense which
20 is a felony or ~~an offense which is a~~ misdemeanor offense
21 ~~escalating to a felony involving, but not limited to:~~
22 ~~Possession of burglary tools or unlawful entry; engaging in~~
23 ~~unlawful commercial gambling; dealing in gambling; dealing in~~
24 ~~gambling devices; contributing to the delinquency of a child;~~
25 ~~robbery, larceny or dealing in stolen property; possession of~~
26 ~~controlled substances and illegal drugs, including marijuana;~~
27 ~~firearms; dangerous weapons; explosives; pandering;~~

1 ~~prostitution; rape; sex offenses, where minors or adults are~~
2 ~~victims; misrepresentation; fraud; and worthless checks.~~

3 "(2) Persons who have been or are hereafter charged
4 with an act of delinquency or adjudicated a delinquent or
5 youthful offender in this state or any state for an act which
6 would constitute a felony or misdemeanor offense, as described
7 in subdivision (1), or any other offense as proscribed by
8 state or federal law if it had been committed by an adult.

9 "(3) Persons who have been or are hereafter arrested
10 or convicted for any offense required or allowed for inclusion
11 in the state criminal history file by federal law or
12 regulation.

13 "(4) Any other persons who have been or are
14 hereafter arrested or convicted for any offense, charged with
15 an act of delinquency, or adjudicated a delinquent or youthful
16 offender that is deemed by the commission to be information
17 essential to the safety and welfare of the citizens for
18 inclusion in criminal history files.

19 "§41-9-623.

20 "(a) All criminal justice agencies within the state
21 shall submit to ~~the~~ ACJIC and ~~, by forwarding to the~~ Alabama
22 Department of Public Safety, fingerprints, descriptions,
23 photographs, when specifically requested, and other
24 identifying data on the following persons:

25 "(1) Persons who have been lawfully arrested in this
26 state for all ~~felonies and certain misdemeanors~~ offenses
27 described in Section 41-9-622.

1 "(2) Persons who have been charged with an act of
2 delinquency or adjudicated a youthful offender for conduct
3 which would constitute a felony or misdemeanor offense, as
4 described in subdivision (1), if committed by an adult.

5 "(b) All chiefs of police, sheriffs, prosecuting
6 attorneys, parole and probation officers, wardens, or other
7 persons in charge of correctional or detention institutions or
8 other criminal justice agencies in this state shall furnish
9 ~~the~~ ACJIC with any other data deemed necessary by the
10 commission to carry out its responsibilities under this
11 article.

12 "(c) All state agencies that maintain noncriminal
13 justice or homeland security information may provide for ACJIC
14 access to the data for inclusion in the ACJIC information
15 systems.

16 "§41-9-625.

17 "All persons in this state in charge of law
18 enforcement and correction agencies shall obtain or cause to
19 be obtained the fingerprints according to the fingerprint
20 system of identification established by the commission, full
21 face and profile photographs, if photo equipment is available,
22 and other identifying data of each person arrested for an
23 offense of a type designated in Section 41-9-622, of all
24 persons arrested or taken into custody as fugitives from
25 justice and of all unidentified human corpses in their
26 jurisdictions, but photographs need not be taken if it is
27 known that photographs of the type listed taken within the

1 previous year are on file. Fingerprints and other identifying
2 data of persons arrested for offenses other than those
3 designated in this article may be taken at the discretion of
4 the agency concerned.

5 "If any person arrested or taken into custody is
6 subsequently released without charge ~~or cleared of the offense~~
7 ~~through criminal justice proceedings~~, such disposition shall
8 be reported by all state, county and municipal criminal
9 justice agencies to ACJIC within 30 days of such action, and
10 all such information shall be eliminated and removed.

11 "§41-9-630.

12 "(a) All persons in charge of criminal justice
13 agencies in this state shall furnish ~~the~~ ACJIC with any other
14 identifying data required in accordance with guidelines
15 established by the ~~ACJIC~~ commission.

16 "(b) All criminal justice agencies in this state
17 having criminal identification files shall cooperate in
18 providing to ACJIC information in ~~such~~ the files as will aid
19 in establishing the nucleus of the state criminal
20 identification file."

21 Section 2. (a) In order to facilitate the authorized
22 interstate exchange of criminal history information for
23 noncriminal justice purposes, including, but not limited to,
24 background checks for the licensing and screening of employees
25 and volunteers under the National Child Protection Act of
26 1993, as amended, and to implement the National Crime
27 Prevention and Privacy Compact, 42 U.S.C. §14616, the

1 Legislature approves and ratifies the compact. The director
2 shall execute the compact on behalf of the state.

3 (b) The center is the repository of criminal history
4 records for purposes of the compact and shall do all things
5 necessary or incidental to carry out the compact.

6 (c) The director, or the director's designee, is the
7 state's compact officer and shall administer the compact
8 within the state. The commission may adopt rules and establish
9 procedures for the cooperative exchange of criminal history
10 records between the state and federal government for use in
11 noncriminal justice cases.

12 (d) The state's ratification of the compact remains
13 in effect until legislation is enacted which specifically
14 renounces the compact.

15 (e) This compact and this section do not affect or
16 abridge the obligations and responsibilities of the center
17 under other provisions of this article and does not alter or
18 amend the manner, direct or otherwise, in which the public is
19 afforded access to criminal history records under state law.

20 Section 3. In addition to any other requirements,
21 any licensing or permitting agency, board, or commission in
22 this state may by rule require a criminal background check as
23 part of its licensing or permitting requirements.

24 Section 4. ACJIC may provide criminal history
25 information to a judge of probate for the purpose of name
26 changes, adoption hearings, determining the eligibility of

1 administrators or executors of estates, and for any other
2 lawful purpose.

3 Section 5. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 6. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representa-tives committee on Public Safety and Homeland Security..... 22-MAR-11

Read for the second time and placed on the calendar 2 amendments 31-MAR-11

Read for the third time and passed as amended..... 24-MAY-11

Yeas 101, Nays 0, Abstains 2

Greg Pappas
Clerk