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A BILL
TO BE ENTITLED
AN ACT

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



29 1975, regarding the dissemination of criminal history
30 information.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Sections 41-9-590, 41-9-594, 41-9-625, and
33 41-9-650, Code of Alabama 1975, are amended to read as
34 follows:

35 "§41-9-590

36 When used in this article, the following terms ~~shall~~
37 have the following meanings, ~~respectively, unless the context~~
38 ~~clearly indicates a different meaning:~~

39 (1) AJIC or COMMISSION. The Alabama Justice Information
40 Commission.

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

42 (3) ALEA CJIS. The Criminal Justice Information
43 Services Division of ALEA.

44 (4) BACKGROUND CHECK. A report produced by one or more
45 information systems within ALEA that identifies a specific
46 individual's criminal history record within the state criminal
47 history repository. The report may also include criminal
48 history record information from the national criminal history
49 repository maintained by the FBI or other public
50 safety-related information maintained or accessed through the
51 authority of ALEA.

52 (5) BIOMETRIC DATA. Data derived from analyzing an
53 individual's biometric identifiers.

54 (6) BIOMETRIC IDENTIFIERS. Intrinsic physical or
55 behavioral traits of humans used to uniquely identify or
56 verify an individual's identity from within a population.



57 (7) CIVIL EVENT. A noncriminal, administrative, or
58 legal interaction involving an individual which is recorded
59 alongside his or her biometric data by governmental agencies.

60 (8) CRIMINAL EVENT. A documented interaction between an
61 individual and the criminal justice system. The term includes
62 information regarding arrests, detentions, indictments, and
63 other formal criminal charges.

64 (9) CRIMINAL HISTORY RECORD INFORMATION. Information
65 collected by criminal justice agencies on individuals
66 consisting of identifiable descriptions, including
67 fingerprints and other biometric data, and notations of
68 arrests, detentions, indictments, or other formal charges, and
69 any disposition arising therefrom, including acquittal,
70 sentencing, correctional induction, supervision, or release.
71 The term does not include identification information such as
72 fingerprint records if the information does not indicate the
73 individual's involvement with the criminal justice system.

74 ~~(3)~~ (10) CRIMINAL JUSTICE AGENCIES. Federal, state,
75 local, and tribal public agencies that perform substantial
76 activities or planning for activities relating to the
77 identification, apprehension, prosecution, adjudication, or
78 rehabilitation of civil, traffic, and criminal offenders.

79 ~~(4)~~ (11) CRIMINAL JUSTICE INFORMATION. ~~Data necessary~~
80 ~~for criminal justice~~ Information based upon data under the
81 authority of ALEA or AJIC necessary for criminal justice and
82 public safety agencies to perform their ~~duties and enforce~~
83 ~~existing law~~ missions. This term includes, but is not limited
84 to, biometrics, business, ~~biometric, identity history, person,~~



85 organization, and property, when accompanied by any personally
86 identifiable information, bond conditions and provisions, an
87 individual's identity history data, biographic information,
88 ~~ease/incident~~ case or incident history reports ~~data~~, and any
89 other data deemed criminal justice information by the FBI CJIS
90 Security Policy. ~~The term also includes ALEA-provided or FBI~~
91 ~~CJIS-provided data necessary to make hiring decisions.~~ In
92 addition, the term may refer to the ALEA CJIS-provided or FBI
93 CJIS-provided data necessary for civil agencies to perform
94 their missions, including, but not limited to, data used to
95 make hiring decisions.

96 ~~(5)~~ (12) FBI. The Federal Bureau of Investigation.

97 ~~(13)~~ ~~CRIMINAL JUSTICE INFORMATION SERVICES DIVISION or~~
98 ~~FBI CJIS. The division of the Federal Bureau of Investigation~~
99 ~~that equips law enforcement, national security, and~~
100 ~~intelligence community partners with needed criminal justice~~
101 ~~information.~~ The Criminal Justice Information Services Division
102 of the FBI that is responsible for the collection,
103 warehousing, and timely dissemination of relevant criminal
104 justice information to the FBI and to qualified law
105 enforcement, criminal justice, civilian, academic, employment,
106 and licensing agencies.

107 (14) IDENTITY HISTORY DATA. Textual data that
108 corresponds with an individual's biometric data, providing a
109 history of criminal and civil events for the identified
110 individual.

111 ~~(6)~~ (15) INFORMATION SYSTEM. A system of people, data,
112 and processes, whether manual or automated, established for



113 the purpose of managing information.

114 ~~(7)~~ (16) NLETS. ~~Network provider~~ The national
115 organization that provides for the exchange of criminal
116 justice and public safety information ~~among multiple~~ between
117 state, federal, and international criminal justice and public
118 safety agencies.

119 ~~(8)~~ (17) NLETS SYSTEM AGENCY ~~or NSA~~. The state agency
120 responsible for the administration of ~~the NLETS network~~
121 information provided by NLETS to criminal justice and public
122 safety agencies within this state and who provides a
123 representative from the state for the governance of NLETS.

124 (18) NONCRIMINAL JUSTICE PURPOSE. The uses of criminal
125 history records for purposes authorized by federal or state
126 law other than purposes relating to the administration of
127 criminal justice, including employment suitability, licensing
128 determinations, immigration and naturalization matters, and
129 national security clearances.

130 ~~(9)~~ (19) OFFENSE. Any act that is a felony, misdemeanor,
131 state violation, municipal ordinance violation, or violation,
132 or an act of delinquency.

133 (20) RAP BACK. A system that enables authorized
134 entities to receive ongoing status notifications of any
135 criminal history reported by ALEA or the FBI on individuals
136 whose fingerprints are registered in the ALEA CJIS biometric
137 identity repository or the FBI CJIS national fingerprint file.

138 ~~(10)~~ (21) SECRETARY. The Secretary of the Alabama State
139 Law Enforcement Agency.

140 (22) TEXTUAL DATA. Written or digital records



169 regarding the collection, storage, and dissemination of
170 criminal justice information that conform to the policies of
171 the FBI CJIS. ~~The commission may adopt rules and policies that~~
172 ~~permit ALEA to perform background checks for noncriminal~~
173 ~~justice purposes and may provide for the procedure for~~
174 ~~obtaining the records including, but not limited to, charging~~
175 ~~a fee not to exceed twenty-five dollars (\$25) for securing~~
176 ~~records through ALEA. All fees shall be deposited into the~~
177 ~~State Treasury to the credit of the Public Safety Fund and~~
178 ~~shall be used to cover the expenses for improving criminal~~
179 ~~history records and the state repository at ALEA.~~

180 ~~(c) Any rule or policy of the commission to the~~
181 ~~contrary notwithstanding, the police department of any college~~
182 ~~or university in this state which offers medical, nursing, and~~
183 ~~health care education, or which operates a hospital may~~
184 ~~request from ALEA a criminal background check on any person~~
185 ~~who applies for employment with the college or university, and~~
186 ~~ALEA may charge a background search fee of up to twenty-five~~
187 ~~dollars (\$25) from each applicant for each search conducted on~~
188 ~~the applicant. All fee proceeds from the background check fee~~
189 ~~shall be deposited in the State Treasury to the credit of the~~
190 ~~Public Safety Fund and shall be used to cover expenses for~~
191 ~~improving criminal history records and the state repository at~~
192 ~~ALEA.~~

193 (e) The commission may direct ALEA CJIS to establish
194 procedures, manuals, documents, forms or requirements; perform
195 tasks to facilitate federal and state law; and perform tasks
196 to facilitate rules or policies established by the commission.



197 These directives and ALEA CJIS's subsequent response are not
198 subject to APA approval, but must be approved by the
199 commission.

200 (f) ~~The~~ Unless otherwise provided by law, the
201 commission may establish a fee schedule for any services
202 rendered by ALEA under the authority of this article. All fees
203 shall be deposited into the State Treasury to the credit of
204 the Public Safety Fund and shall be used to support, develop,
205 maintain, and promote operations as authorized in this
206 article."

207 "§41-9-625

208 ~~(a) All persons in this state in charge of law~~
209 ~~enforcement and correctional agencies shall obtain biometric~~
210 ~~identifiers, which may include fingerprints, photographs, palm~~
211 ~~prints, retina scans, or other identifiers specified by the~~
212 ~~FBI, according to the biometric identification system at ALEA~~
213 ~~and the rules established by the commission of all persons~~
214 ~~arrested or taken into custody as fugitives from justice, and~~
215 ~~of all unidentified human corpses in their jurisdictions. All~~
216 ~~biometric identifiers collected according to this section~~
217 ~~shall be provided to ALEA according to the rules of the~~
218 ~~commission.~~

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



225 (a) When an individual is arrested for an offense, the
226 arresting agency shall obtain fingerprints, palm prints, a
227 mugshot, and descriptive information required to establish a
228 criminal history record. The arresting agency may obtain other
229 biometric identifiers, including iris scans; photographs of
230 scars, marks, or tattoos; and DNA. Any data submitted to ALEA
231 CJIS as required or authorized by this section shall be
232 provided to ALEA according to the commission-approved
233 procedures established by ALEA CJIS for inclusion in the state
234 biometric identification repository.

235 (b) When an individual is detained or taken into
236 custody as a fugitive from justice, the agency with custody
237 over the individual may obtain descriptive information
238 required to establish a criminal history record and biometric
239 identifiers, which may include fingerprints; photographs; palm
240 prints; iris scans; photographs of scars, marks, or tattoos;
241 DNA; or other identifiers specified by AJIC rule. Any data
242 submitted to ALEA CJIS as required or authorized by this
243 subsection shall be provided to ALEA according to the
244 commission-approved procedures established by ALEA CJIS for
245 inclusion in the state biometric identification repository. If
246 the individual is subsequently released without charge,
247 released to the jurisdiction of the underlying arrest, or
248 otherwise cleared of the charged offense through criminal
249 justice proceedings, the involved agency shall notify ALEA
250 CJIS of the disposition within 30 days. Upon receiving
251 notification, ALEA shall remove all information regarding the
252 detainment or custodial event from all ALEA CJIS information



253 systems.

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

260 (d) Any AJIS rule specifying other biometric
261 identifiers obtained under subsections (a), (b), or (c), shall
262 be subject to the Alabama Administrative Procedure Act,
263 Chapter 22 of Title 41.

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

274 "§41-9-650

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



281 ~~procedures of the commission for the use of the background~~
282 ~~check.~~

283 (a) ALEA shall establish and operate a service, to be
284 called the Alabama Background Check Service, that allows
285 authorized persons and entities, pursuant to Section
286 41-9-650.1, to obtain background checks on individuals for
287 noncriminal justice purposes.

288 (b) (1) AJIC shall adopt rules for the limited purpose
289 of the operation and use of the Alabama Background Check
290 Service in accordance with this act.

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

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

296 Section 2. Sections 41-9-650.1, 41-9-650.2, 41-9-650.3,
297 41-9-650.4, and 41-9-650.5 are added to the Code of Alabama
298 1975, to read as follows:

299 §41-9-650.1

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

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

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



309 license, permit, or certification.

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

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

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

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

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

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

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



337 (d) Any person or entity that is authorized by state
338 law to perform a background check or allowed by law to adopt
339 rules requiring a background check is subject to the AJIC
340 rules and ALEA procedures described in Section 41-9-650.

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

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

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

352 §41-9-650.2

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

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

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



365 identification collection. This search shall provide state
366 information results, as well as other state and federal
367 information as allowed by law.

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

380 §41-9-650.3

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

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

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

389 (2) Financial transaction fees.

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

391 (c) ALEA may enter into an agreement with one or more
392 vendors or other third-party entities to perform background



393 check services for ALEA on the basis of fee sharing or by
394 adding an additional convenience fee for third-party services.

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

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

406 §41-9-650.4

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

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

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



421 FBI or federally authorized purpose with a participating
422 entity and who has been enrolled by that participating entity
423 in the Alabama Rap Back Program.

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

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

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

444 (e) ALEA shall adopt rules governing the operation and
445 maintenance of the Alabama Rap Back Program and the removal
446 and destruction of records on individuals who are deceased or
447 who are no longer individuals as defined in this section. Such
448 rules shall provide that a participating entity shall



449 disenroll any individual who is deceased or is no longer an
450 individual as defined in this section within five business
451 days of death or such event that no longer requires the
452 individual to be enrolled in the Alabama Rap Back Program to
453 ensure the prompt removal and destruction of records from the
454 Alabama Rap Back Program.

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

466 (g) No participating entity authorized to submit
467 fingerprints shall be considered negligent per se in a civil
468 action solely because the entity elected not to enroll an
469 individual in the Alabama Rap Back Program pursuant to this
470 section.

471 (h) Prior to enrolling an applicant in the Alabama Rap
472 Back Program, a participating entity shall ensure the
473 applicant receives notice and access to documentation
474 informing the applicant that his or her fingerprints shall be
475 retained for the purpose of providing the participating entity
476 notification of any subsequent modifications to the



477 applicant's criminal history record.

478 (i) ALEA may establish an in-state rap back service for
479 any person or entity that does not qualify to receive
480 information from the FBI Rap Back service but that has
481 authority to require a state-only background check.

482 §41-9-650.5

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

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

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

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

495 (b) Misuse of a background check report is a Class B
496 misdemeanor.

497 (c) Upon conviction for any violation of this section,
498 the defendant may be ordered to pay restitution to the victim
499 whose information was misused. Restitution shall include any
500 pecuniary damages or loss to the victim ordered pursuant to a
501 hearing held as provided in Section 15-18-67.

502 Section 3. Article 4 of Chapter 2 of Title 32, Code of
503 Alabama 1975, relating to the release of criminal history
504 information, is repealed.



505 Section 4. This act shall become effective on October
506 1, 2026.