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SYNOPSIS:

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

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

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

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

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

This bill would establish the Alabama Rap Back Program.

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

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

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



29 history information.

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A BILL

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TO BE ENTITLED

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AN ACT

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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



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 fingerprints, palm prints, a
240 mugshot, and descriptive information required to establish a
241 criminal history record. The arresting agency may obtain other
242 biometric identifiers, including iris scans; photographs or
243 scars, marks, or tattoos; and DNA. Any data submitted to ALEA
244 CJIS as required or authorized by this section shall be
245 provided to ALEA according to the commission-approved
246 procedures established by ALEA CJIS for inclusion in the state
247 biometric identification repository.

248 (b) When an individual is detained or taken into
249 custody as a fugitive from justice, the agency with custody
250 over the individual may obtain biometric identifiers, which
251 may include fingerprints, photographs, palm prints, iris
252 scans, or other identifiers specified by AJIC rule and provide



253 the information according to the procedures established by
254 ALEA CJIS. If the individual is subsequently released without
255 charge, released to the jurisdiction of the underlying arrest,
256 or otherwise cleared of the charged offense through criminal
257 justice proceedings, the involved agency shall notify ALEA
258 CJIS of the disposition within 30 days. Upon receiving
259 notification, ALEA shall remove all information regarding the
260 detainment or custodial event from all ALEA CJIS information
261 systems.

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

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

278 "§41-9-650

279 ~~In addition to any other requirements, any agency,~~
280 ~~board, or commission in this state that issues a permit or~~



281 ~~license, by rule, may require a criminal background check~~
282 ~~through ALEA as part of its licensing or permitting~~
283 ~~requirements. Any agency, board, or commission adopting a rule~~
284 ~~requiring a background check shall be subject to rules and~~
285 ~~procedures of the commission for the use of the background~~
286 ~~check.~~

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

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

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

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

298 Section 2. Sections 41-9-650.1, 41-9-650.2, 41-9-650.3,
299 41-9-650.4, and 41-9-650.5 are added to the Code of Alabama
300 1975, to read as follows:

301 §41-9-650.1

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

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

308 (2) Any government agency, board, or commission with



309 legal authority to issue a license, permit, or certification
310 to screen an applicant for the issuance or renewal of the
311 license, permit, or certification.

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

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

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

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

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

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



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

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

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

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

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

354 §41-9-650.2

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

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

363 (c) The response to a biometric-based search shall only
364 be provided upon the receipt of biometric information by ALEA



365 or a commission-approved third-party entity acting on behalf
366 of ALEA that meets all FBI standards for biometric
367 identification collection. This search shall provide state
368 information results, as well as other state and federal
369 information as allowed by law.

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

382 §41-9-650.3

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

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

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

391 (2) Financial transaction fees.

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



393 (c) ALEA may enter into an agreement with one or more
394 vendors or other third-party entities to perform background
395 check services for ALEA on the basis of fee sharing or by
396 adding an additional convenience fee for third-party services.

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

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

408 §41-9-650.4

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

417 (b) As used in this section, the following words have
418 the following meanings:

419 (1) INDIVIDUAL. Any individual who has undergone a
420 fingerprint-based background check in order to care for



421 children, the disabled, or the elderly, or to be licensed,
422 certified, or to perform volunteer service, or for any other
423 FBI or federally authorized purpose with a participating
424 entity and who has been enrolled by that participating entity
425 in the Alabama Rap Back Program.

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

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

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

446 (e) ALEA shall adopt rules governing the operation and
447 maintenance of the Alabama Rap Back Program and the removal
448 and destruction of records on individuals who are deceased or



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

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

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

473 (h) ALEA may establish an in-state rap back service for
474 any person or entity that does not qualify to receive
475 information from the FBI Rap Back Service but that has
476 authority to require a state-only background check.



477 §41-9-650.5

478 (a) An individual commits the crime of misuse of a
479 background check report if he or she does any of the
480 following:

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

484 (2) Performs a background check on an individual
485 without first receiving a release, when required, from the
486 subject of the report.

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

490 (b) Misuse of a background check report is a Class B
491 misdemeanor.

492 Section 3. Article 4 of Chapter 2 of Title 32, Code of
493 Alabama 1975, relating to the release of criminal history
494 information, is repealed.

495 Section 4. This act shall become effective on October
496 1, 2026.