

1 HB746
2 118962-2
3 By Representative England
4 RFD: Government Appropriations
5 First Read: 23-MAR-10

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8 SYNOPSIS: This bill would relate to the Alabama
9 Criminal Justice Information Center Commission and
10 the Alabama Criminal Justice Information Center and
11 would further provide for the members of the
12 commission and the operation of the commission and
13 center. The bill would authorize the commission to
14 charge fees for information related to noncriminal
15 background checks, establish the crime of misuse of
16 ACJIC information, authorize the commission to
17 establish the Alabama Statistical Analysis Center,
18 authorize research and development. The bill would
19 authorize any licensing agency to conduct a
20 background check. The bill would also authorize the
21 interstate exchange of criminal history information
22 and ratify the National Crime Prevention and
23 Privacy Compact.

24 Amendment 621 of the Constitution of Alabama
25 of 1901 prohibits a general law whose purpose or
26 effect would be to require a new or increased
27 expenditure of local funds from becoming effective

1 with regard to a local governmental entity without
2 enactment by a 2/3 vote unless: it comes within one
3 of a number of specified exceptions; it is approved
4 by the affected entity; or the Legislature
5 appropriates funds, or provides a local source of
6 revenue, to the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of Amendment 621. However,
10 the bill does not require approval of a local
11 governmental entity or enactment by a 2/3 vote to
12 become effective because it comes within one of the
13 specified exceptions contained in Amendment 621.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Sections 41-9-590, 41-9-591, 41-9-592,
20 41-9-594, 41-9-595, 41-9-596, 41-9-597, 41-9-600, 41-9-601,
21 41-9-621 to 41-9-623, inclusive, and 41-9-630, Code of Alabama
22 1975; to further provide for the operation, powers, and duties
23 of the Alabama Criminal Justice Information Center Commission
24 and the Alabama Criminal Justice Information Center; to
25 further provide for crimes and penalties related to
26 violations; to authorize any licensing agency to conduct a
27 background check; to authorize the interstate exchange of

1 criminal history information and to ratify the National Crime
2 Prevention and Privacy Compact; and in connection therewith
3 would have as its purpose or effect the requirement of a new
4 or increased expenditure of local funds within the meaning of
5 Amendment 621 of the Constitution of Alabama of 1901.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 41-9-590, 41-9-591, 41-9-592,
8 41-9-594, 41-9-595, 41-9-596, 41-9-597, 41-9-600, 41-9-601,
9 41-9-621 to 41-9-623, inclusive, 41-9-630, Code of Alabama
10 1975, are amended to read as follows:

11 "§41-9-590.

12 "When used in this article, the following terms
13 shall have the following meanings, respectively, unless the
14 context clearly indicates a different meaning:

15 "~~(6)~~(1) ACJIC. The Alabama Criminal Justice
16 Information Center.

17 "~~(7)~~(2) CENTER. The Alabama Criminal Justice
18 Information Center.

19 "~~(4)~~(3) COMMISSION. The Alabama Criminal Justice
20 Information Center Commission.

21 "~~(1)~~(4) CRIMINAL JUSTICE ~~AGENCIES~~ AGENCY. ~~Such~~ The
22 term ~~shall include~~ includes those public agencies at all
23 levels of government which perform as their principal function
24 activities or planning for such activities relating to the
25 identification, apprehension, prosecution, adjudication or
26 rehabilitation of civil, traffic and criminal offenders.

1 "~~(8)~~(5) DIRECTOR. The Director of the Alabama
2 Criminal Justice Information Center.

3 "~~(3)~~(6) ~~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~~
13 criminal justice and public protection.

14 "~~(2)~~(7) OFFENSE. Any act which is a felony or is a
15 misdemeanor ~~as described in Section 41-9-622.~~

16 "~~(5)~~ ACJICC. The Alabama Criminal Justice
17 Information Center Commission.

18 "§41-9-591.

19 "(a) There is ~~hereby created and established~~ an
20 Alabama Criminal Justice Information Center Commission, which
21 shall establish, develop, and continue to operate a center and
22 ~~system~~ information systems for the ~~interstate and intrastate~~
23 ~~accumulation, storage, retrieval, analysis and dissemination~~
24 ~~of vital information relating to certain crimes, criminals and~~
25 ~~criminal activity to~~ purpose of accessing, accumulating,
26 storing, retrieving, analyzing, and disseminating criminal

1 justice and public protection information. The center shall be
2 known as the Alabama Criminal Justice Information Center.

3 "(b) Central responsibility for the development,
4 maintenance, operation, and administration of the Alabama
5 Criminal Justice Information Center center shall be vested
6 with the Director of the ACJIC under the supervision of the
7 Alabama Criminal Justice Information Center Commission
8 commission.

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

18 "§41-9-592.

19 "(a) The commission shall be composed of two
20 sections.

21 "(b) The voting section will shall include all of
22 the following:

23 "(1) The the Attorney General,

24 "(2) The the Chairman of the Board of Pardons and
25 Paroles,

26 "(3) The the Commissioner of the Board of
27 Corrections,

1 "(4) The ~~the~~ President of the Alabama Sheriffs'
2 Association~~7.~~

3 "(5) The ~~the~~ Director of the Department of Public
4 Safety~~7.~~

5 "(6) The ~~the~~ President of the Alabama Association of
6 Chiefs of Police~~7.~~

7 "(7) The ~~the~~ Director of the Alabama ~~Law Enforcement~~
8 ~~Planning Agency,~~ Department of Economic and Community Affairs.

9 "(8) The ~~the~~ President of the Alabama District
10 Attorney's Association~~7.~~

11 "(9) The ~~the~~ President of the Alabama Circuit
12 Clerks' Association~~7.~~

13 "(10) The ~~the~~ Chief Justice of the Alabama Supreme
14 Court~~7.~~

15 "(11) The ~~the~~ President of the Alabama ~~Association~~
16 ~~of Intermediate Court Judges,~~ District Judges' Association.

17 "(12) The ~~the~~ President of the Alabama Circuit
18 Judges' Association~~7.~~

19 "(13) The ~~the Governor's coordinator of Alabama~~
20 ~~Highway and Traffic Safety and~~ Director of State Homeland
21 Security.

22 "(14) The State Chief Information Officer, or if not
23 appointed, the Director of the ~~Data Systems Management~~
24 ~~Division~~ Information Services Division of the Alabama
25 Department of Finance.

26 "(c) The advisory section ~~will~~ shall include: the
27 presiding officer of the Alabama Senate, the Speaker of the

1 Alabama House of Representatives, the President of the
2 Association of County Commissions of Alabama, the President of
3 the Alabama League of Municipalities, the Administrative
4 Director of the Courts, the Executive Director for the Alabama
5 Peace Officers' Standards and Training Commission, the
6 Director of the Alabama Sentencing Commission, and a citizen
7 of the State of Alabama, to be appointed by the Governor.

8 "(d) The member shall have authority to select a
9 designee based upon qualifications and with a view of
10 continuity of representation and attendance at the commission
11 meetings.

12 "(e) No person or individual shall continue to serve
13 on the commission when he or she no longer officially
14 represents the function or serves in the capacity enumerated
15 in this section as a member to which he or she was elected or
16 appointed, except the citizen appointee who serve at the
17 pleasure of the Governor.

18 "(f) A report of the work of the commission shall be
19 provided to the Alabama Legislature by the 5th legislative day
20 of each regular session.

21 "§41-9-594.

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

25 "(b) The commission shall ensure ~~that: The~~ the
26 information obtained under authority of this article is
27 restricted to the items germane to the implementation of this

1 article; ~~and that the Alabama Criminal Justice Information~~
2 ~~Center (ACJIC) center~~ is administered so as ~~not~~ to accumulate
3 or distribute ~~any~~ information ~~not~~ required by this article;
4 ~~and.~~

5 "(c) The commission shall ensure that adequate
6 safeguards are incorporated so that data available through
7 ~~this system~~ ACJIC information systems is used only by properly
8 authorized persons and agencies.

9 "~~(b)~~ (d) The commission shall appoint a Privacy and
10 Security Committee from the membership of the commission who
11 are elected officials, consisting of a chair and three
12 members, to study the privacy and security implications of
13 sharing criminal justice and homeland security information and
14 to formulate policy recommendations for consideration by the
15 commission concerning the collection, storage, dissemination,
16 or usage of ~~criminal justice~~ information.

17 "~~(c)~~ (e) The commission may adopt policies regarding
18 the collection, storage, and dissemination of criminal
19 intelligence, investigation, arrest, and criminal history
20 information and other crime-related data that conform to the
21 policies of the ~~National Crime Information Center of the~~
22 Federal Bureau of Investigation Criminal Justice Information
23 Systems Division.

24 "(f) The commission may adopt policies and
25 regulations to permit ACJIC ~~may supply employee criminal~~
26 ~~records as provided in subsection (a) and~~ to perform
27 name-based background checks of the state criminal history

1 repository through the ACJIC information system for
2 noncriminal purposes. The commission may limit who may receive
3 this information and may provide for the procedure for
4 obtaining the records including, but not limited to, charging
5 a twenty-five dollar (\$25) fee fees not to exceed twenty-five
6 dollars (\$25) for securing records through the an ACJIC
7 information system. All monies received for background checks
8 shall be deposited in the State Treasury to be divided equally
9 to the credit of the Criminal Justice Information System
10 Automation Fund, the Public Safety Automated Fingerprint
11 Identification System Fund, and the Court Automation Fund as
12 established in Section 12-19-180, and such funds may be
13 expended according to the sections.

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

26 "(h) All fee proceeds from the background check fee
27 The commission may adopt a schedule of reasonable fees to

1 provide access to ACJIC information systems which shall be
2 deposited in the State Treasury to the credit of the Criminal
3 Justice Information System Automation Fund and shall be
4 expended for any purposes for which the ACJIC is authorized to
5 expend funds appropriated to that department.

6 "§41-9-595.

7 "The commission shall appoint a director and, upon
8 the request and recommendation of the director, a deputy
9 director for the Alabama Criminal Justice Information Center
10 who shall be responsible for the development, maintenance, and
11 operation of the ACJIC as required by the terms of this
12 article and the implementation and operation of policies,
13 programs, and procedures established by the commission under
14 the limitations of this article. The qualifications of the
15 director and deputy director shall be determined by the State
16 Personnel Department.

17 "§41-9-596.

18 "The director shall maintain the necessary staff as
19 determined by the director along with support services
20 necessary to enable the effective and efficient performance of
21 the duties and responsibilities ascribed to ~~the~~ ACJIC in this
22 article ~~under the supervision of the commission~~

23 "§41-9-597.

24 "The staff ~~and personnel~~ employed by the commission
25 for the development and operation of the center and system
26 shall be governed by the personnel Merit System rules and
27 regulations of the State Personnel Department.

1 ~~"Employees of agencies or institutions which are~~
2 ~~transferred to the center or commission under the provisions~~
3 ~~of this article shall remain in their respective employments~~
4 ~~and shall be considered to meet the requirements of the~~
5 ~~department in terms of training and experience, but nothing in~~
6 ~~this section shall be construed to prevent or preclude the~~
7 ~~removal of an employee for cause in the manner provided by~~
8 ~~law. Such employees shall continue to enjoy employment~~
9 ~~conditions, including, but not limited to, salary range and~~
10 ~~advancement at a level no less than those enjoyed prior to~~
11 ~~transfer to the center or commission. All time accumulated~~
12 ~~while engaged in such prior employment shall be credited~~
13 ~~toward all privileges enjoyed under state merit employment.~~

14 "\$41-9-600.

15 "Any officer or official mentioned in this article
16 who ~~neglects or~~ refuses to make any report, submit
17 information, or to do any other act required in this article
18 shall be subject to prosecution for a misdemeanor and, if
19 found guilty, may be fined not less than ~~\$100.00~~ one hundred
20 dollars (\$100) nor more than ~~\$10,000.00~~ ten thousand dollars
21 (\$10,000) and may be confined in a county jail for not more
22 than one year. ~~He~~ The officer or official shall also be
23 subject to prosecution for nonfeasance and, if found guilty,
24 shall be subject to removal from office therefor.

25 "\$41-9-601.

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

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

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

9 "(b) A ~~any~~ member, officer, employee, ~~or~~ agent of
10 the ~~ACJICE~~ commission, the ~~ACJIC~~ center, or any participating
11 agency ~~who~~ commits the crime of misuse of ACJIC information if
12 he or she willfully falsifies ~~criminal offender record~~
13 information ~~or any records relating thereto shall, for each~~
14 ~~offense, be fined not less than \$5,000.00 nor more than~~
15 ~~\$10,000.00 or imprisoned in the state penitentiary for not~~
16 ~~more than five years or both~~ maintained in or accessible by an
17 ACJIC information system.

18 "(c) Misuse of ACJIC information is a Class B
19 felony.

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

22 "§41-9-621.

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

25 "(1) Develop, operate and maintain ~~an~~ information
26 ~~system~~ systems which will support the collection, storage,
27 retrieval, analysis, ~~and~~ dissemination of all ~~crime and~~

1 ~~offender~~ data described in this article consistent with those
2 principles of scope, security, and responsiveness prescribed
3 by this article~~7~~. The primary mission of the center is to
4 serve the informational needs of criminal justice agencies and
5 other agencies and entities specifically authorized by law
6 connecting local, county, state, and federal authorities to a
7 centralized state clearinghouse of information.

8 "(2) Cooperate with all criminal justice and public
9 protection agencies within the state in providing those forms,
10 procedures, standards, and related training assistance
11 necessary for the uniform and integrated operation of the
12 statewide ACJIC ~~crime reporting and criminal justice~~
13 ~~information system~~; systems.

14 "(3) Offer assistance and, when practicable,
15 instruction to all criminal justice and public protection
16 agencies in establishing efficient systems for information
17 management~~7~~.

18 "~~(4) Compile statistics on the nature and extent of~~
19 ~~crime in Alabama and compile data for planning and operating~~
20 ~~criminal justice agencies; provided, that such statistics~~
21 ~~shall not identify persons. The commission shall make~~
22 ~~available all such statistical information obtained to the~~
23 ~~Governor, the Legislature, the judiciary and any such other~~
24 ~~governmental agencies whose primary responsibilities include~~
25 ~~the planning, development or execution of crime reduction~~
26 ~~programs. Access to such information by such governmental~~
27 ~~agencies shall be on an individual written request basis or in~~

1 ~~accordance with the approved operational procedure, wherein~~
2 ~~must be demonstrated a need to know, the intent of any~~
3 ~~analyses and dissemination of such analyses, and shall be~~
4 ~~subject to any security provisions deemed necessary by the~~
5 ~~commission;~~

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

9 "a. Compile general statistics on the nature and
10 extent of crime in Alabama to be made available to the public.
11 These statistics shall be updated on a regular basis no less
12 frequently than annually. No statistics available to the
13 public pursuant to this paragraph shall identify persons.

14 "b. Make available all criminal statistical
15 information obtained and developed by ACJIC to the Governor,
16 the Legislature, the judiciary, and any other governmental
17 agencies whose responsibilities include the planning,
18 development, or execution of crime reduction programs. Access
19 to information by a governmental agency shall be pursuant to
20 an individual written request or in accordance with the
21 approved operational procedures, which shall be based on a
22 demonstrated need to know, considering the intent for the use
23 and dissemination of the information. Access to information
24 may be subject to any security provisions deemed necessary by
25 the commission. No statistics generated pursuant to this
26 paragraph shall identify persons.

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

7 "d. Gather, analyze, and disseminate data from other
8 agencies to supplement the criminal information in the
9 previous subsections subject to the identification limitations
10 of the previous subsections.

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) Apply for grants to provide for research and
19 development activities that will encourage the application of
20 advanced technology, including the development of prototype
21 systems and procedures, the development of plans for the
22 implementing of these prototypes, and the development of
23 technological expertise which can provide assistance to
24 criminal justice and public protection agencies.

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

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

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

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

25 "(9) Institute the necessary measures in the design,
26 implementation, and continued operation of ~~the criminal~~
27 ~~justice~~ ACJIC information system systems to ensure the privacy

1 and security of the ~~system~~ data accumulated or accessed
2 through its systems. ~~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.~~

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

17 "§41-9-622.

18 "(a) The commission ~~may obtain, compare, file,~~
19 ~~analyze, and disseminate, and all~~ shall maintain criminal
20 history files within the ACJIC information systems in
21 accordance with federal regulations and this article. The
22 files shall be compared, analyzed, and disseminated according
23 to this article.

24 "(b) ~~All state, county, and municipal~~ criminal
25 justice agencies ~~are required to report~~ shall submit to ACJIC
26 all fingerprints, descriptions, photographs, and any other
27 pertinent identifying and historical criminal data for

1 inclusion in the criminal history files on the following
2 persons:

3 "(1) Persons who have been or are hereafter arrested
4 or convicted in this state or any state for an offense which
5 is a felony or ~~an offense which is a misdemeanor~~ or violation
6 of a municipal ordinance. ~~escalating to a felony involving,~~
7 ~~but not limited to: Possession of burglary tools or unlawful~~
8 ~~entry; engaging in unlawful commercial gambling; dealing in~~
9 ~~gambling; dealing in gambling devices; contributing to the~~
10 ~~delinquency of a child; robbery, larceny or dealing in stolen~~
11 ~~property; possession of controlled substances and illegal~~
12 ~~drugs, including marijuana; firearms; dangerous weapons;~~
13 ~~explosives; pandering; prostitution; rape; sex offenses, where~~
14 ~~minors or adults are victims; misrepresentation; fraud; and~~
15 ~~worthless checks.~~

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

22 "(3) Persons who have been or are hereafter arrested
23 or convicted for any offense required for inclusion in the
24 state criminal history file by federal law or regulation.

25 "§41-9-623.

26 "(a) All criminal justice agencies within the state
27 shall submit to ~~the ACJIC, by forwarding to~~ and the Alabama

1 Department of Public Safety, fingerprints, descriptions,
2 photographs, ~~when specifically requested~~, and other
3 identifying data on the following persons:

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

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

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

18 "(c) Any agency that maintains non-criminal justice
19 information may provide ACJIC access to its data for inclusion
20 in the ACJIC information systems that may be used for criminal
21 justice purposes.

22 "§41-9-630.

23 "(a) All persons in charge of criminal justice
24 agencies in this state shall furnish ~~the~~ ACJIC with any other
25 identifying data required in accordance with guidelines
26 established by the ~~ACJIC~~ commission.

1 "(b) All criminal justice agencies in this state
2 having criminal identification files shall cooperate in
3 providing to ACJIC information in ~~such~~ the files as will aid
4 in establishing the nucleus of the state criminal
5 identification file."

6 Section 2. Any governmental licensing entity within
7 the state may enact rules to require a background check
8 through ACJIC as part of its licensing requirements.

9 Section 3. (a) In order to facilitate the authorized
10 interstate exchange of criminal history information for
11 noncriminal justice purposes, including, but not limited to,
12 background checks for the licensing and screening of employees
13 and volunteers under the National Child Protection Act of
14 1993, as amended, and to implement the National Crime
15 Prevention and Privacy Compact, 42 U.S.C. § 14616, the
16 Legislature approves and ratifies the compact. The director
17 shall execute the compact on behalf of the state.

18 (b) The center is the repository of criminal history
19 records for purposes of the compact and shall do all things
20 necessary or incidental to carrying out the compact.

21 (c) The director, or the director's designee, is the
22 state's compact officer and shall administer the compact
23 within the state. The commission may adopt rules and establish
24 procedures for the cooperative exchange of criminal history
25 records between the state and federal government for use in
26 noncriminal justice cases.

1 (d) The state's ratification of the compact remains
2 in effect until legislation is enacted which specifically
3 renounces the compact.

4 (e) This compact and this section do not affect or
5 abridge the obligations and responsibilities of the center
6 under other provisions of Article 23 of Chapter 9 of Title 41,
7 Code of Alabama 1975, and does not alter or amend the manner,
8 direct or otherwise, in which the public is afforded access to
9 criminal history records under state law.

10 Section 4. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621 because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 5. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.