

SB118 ENGROSSED



1 SB118

2 YMV1F2N-2

3 By Senator Bell

4 RFD: Veterans, Military Affairs and Public Safety

5 First Read: 13-Jan-26



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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



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29 repeal Article 4 of Chapter 2 of Title 32, Code of Alabama
30 1975, regarding the dissemination of criminal history
31 information.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

36 "§41-9-590

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

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

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

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

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

53 (5) CRIMINAL HISTORY RECORD INFORMATION. Information
54 collected by criminal justice agencies on individuals
55 consisting of identifiable descriptions, including
56 fingerprints and other biometric information, and notations of



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57 arrests, detentions, indictments, or other formal charges, and
58 any disposition arising therefrom, including acquittal,
59 sentencing, correctional induction, supervision, or release.
60 The term does not include identification information such as
61 fingerprint records if the information does not indicate the
62 individual's involvement with the criminal justice system.

63 ~~(3)~~(6) CRIMINAL JUSTICE AGENCIES. Federal, state,
64 local, and tribal public agencies that perform substantial
65 activities or planning for activities relating to the
66 identification, apprehension, prosecution, adjudication, or
67 rehabilitation of civil, traffic, and criminal offenders.

68 ~~(4)~~(7) CRIMINAL JUSTICE INFORMATION. ~~Data necessary for~~
69 ~~criminal justice~~ Information based upon data under the
70 authority of ALEA or AJIC necessary for criminal justice and
71 public safety agencies to perform their duties and enforce
72 existing law missions. This term includes, but is not limited
73 to, biometrics, business, biometric, identity history, person,
74 organization, and property, when accompanied by any personally
75 identifiable information, bond conditions and provisions, an
76 individual's identity history data, biographic information,
77 case/incident case or incident history reports data, and any
78 other data deemed criminal justice information by the FBI CJIS
79 Security Policy. The term also includes ALEA-provided or FBI
80 CJIS-provided data necessary to make hiring decisions. In
81 addition, the term may refer to the ALEA CJIS-provided or FBI
82 CJIS-provided data necessary for civil agencies to perform
83 their missions, including, but not limited to, data used to
84 make hiring decisions.



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85 ~~(5) (8) CRIMINAL JUSTICE INFORMATION SERVICES DIVISION~~
86 ~~or~~ FBI CJIS. ~~The division of the Federal Bureau of~~
87 ~~Investigation that equips law enforcement, national security,~~
88 ~~and intelligence community partners with needed criminal~~
89 ~~justice information.~~ The Criminal Justice Information Services
90 Division of the FBI that is responsible for the collection,
91 warehousing, and timely dissemination of relevant criminal
92 justice information to the FBI and to qualified law
93 enforcement, criminal justice, civilian, academic, employment,
94 and licensing agencies.

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

96 (10) IDENTITY HISTORY DATA. Textual data that
97 corresponds with an individual's biometric data, providing a
98 history of criminal and civil events for the identified
99 individual.

100 ~~(6) (11) INFORMATION SYSTEM. A system of people, data,~~
101 ~~and processes, whether manual or automated, established for~~
102 ~~the purpose of managing information.~~

103 ~~(7) (12) NLETS. Network provider~~ The national
104 organization that provides for the exchange of criminal
105 justice and public safety information among multiple between
106 state, federal, and international criminal justice and public
107 safety agencies.

108 ~~(8) (13) NLETS SYSTEM AGENCY or NSA. The state agency~~
109 ~~responsible for the administration of the NLETS network~~
110 information provided by NLETS to criminal justice and public
111 safety agencies within this state and who provides a
112 representative from the state for the governance of NLETS.



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113 (14) NONCRIMINAL JUSTICE PURPOSE. The uses of criminal
114 history records for purposes authorized by federal or state
115 law other than purposes relating to the administration of
116 criminal justice, including employment suitability, licensing
117 determinations, immigration and naturalization matters, and
118 national security clearances.

119 ~~(9)~~(15) OFFENSE. Any act that is a felony, misdemeanor,
120 state violation, municipal ordinance violation, or violation,
121 or an act of delinquency.

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

127 ~~(10)~~(17) SECRETARY. The Secretary of the Alabama State
128 Law Enforcement Agency.

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

130 ~~(12)~~(18) USER AGENCY. Any agency or entity that
131 subscribes to, accesses, or views any ALEA information system
132 or service provided under the authority of this article."

133 "§41-9-594

134 (a) The commission shall ~~establish its own~~ adopt rules
135 and policies for the performance of the responsibilities
136 ~~charged to it in~~ under this article. Unless otherwise stated,
137 the rules of the commission are subject to the Administrative
138 Procedure Act, Chapter 22 of Title 41. ALEA may establish
139 procedures to implement the rules and policies of the
140 commission or as otherwise stated in state law.



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141 (b) The commission shall ~~establish~~adopt rules and
142 policies that will restrict the information obtained under
143 authority of this article to the items germane to the
144 implementation of this article and restrict the use of
145 information only to authorized persons and agencies.

146 (c) The chair of the commission shall appoint a Privacy
147 and Security Committee from the membership of the commission
148 who are elected officials, or their designees, consisting of a
149 chair and three members, to study the privacy and security
150 implications of sharing criminal justice information and to
151 formulate rule or policy recommendations for consideration by
152 the commission concerning the collection, storage,
153 dissemination, or usage of criminal justice information.

154 (d) The commission may adopt rules and policies
155 regarding the collection, storage, and dissemination of
156 criminal justice information that conform to the policies of
157 the FBI CJIS. ~~The commission may adopt rules and policies that
158 permit ALEA to perform background checks for noncriminal
159 justice purposes and may provide for the procedure for
160 obtaining the records including, but not limited to, charging
161 a fee not to exceed twenty-five dollars (\$25) for securing
162 records through ALEA. All fees shall be deposited into the
163 State Treasury to the credit of the Public Safety Fund and
164 shall be used to cover the expenses for improving criminal
165 history records and the state repository at ALEA.~~

166 ~~(e) Any rule or policy of the commission to the
167 contrary notwithstanding, the police department of any college
168 or university in this state which offers medical, nursing, and~~



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169 ~~health care education, or which operates a hospital may~~
170 ~~request from ALEA a criminal background check on any person~~
171 ~~who applies for employment with the college or university, and~~
172 ~~ALEA may charge a background search fee of up to twenty-five~~
173 ~~dollars (\$25) from each applicant for each search conducted on~~
174 ~~the applicant. All fee proceeds from the background check fee~~
175 ~~shall be deposited in the State Treasury to the credit of the~~
176 ~~Public Safety Fund and shall be used to cover expenses for~~
177 ~~improving criminal history records and the state repository at~~
178 ~~ALEA.~~

179 (e) The commission may direct ALEA CJIS to establish
180 procedures, manuals, documents, forms or requirements; perform
181 tasks to facilitate federal and state law; and perform tasks
182 to facilitate rules or policies established by the commission.
183 These directives and ALEA CJIS's subsequent response are not
184 subject to APA approval, but must be approved by the
185 commission.

186 (f) ~~The~~ Unless otherwise provided by law, the
187 commission may establish a fee schedule for any services
188 rendered by ALEA under the authority of this article. All fees
189 shall be deposited into the State Treasury to the credit of
190 the Public Safety Fund and shall be used to support, develop,
191 maintain, and promote operations as authorized in this
192 article."

193 "§41-9-625

194 ~~(a) All persons in this state in charge of law~~
195 ~~enforcement and correctional agencies shall obtain biometric~~
196 ~~identifiers, which may include fingerprints, photographs, palm~~



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197 ~~prints, retina scans, or other identifiers specified by the~~
198 ~~FBI, according to the biometric identification system at ALEA~~
199 ~~and the rules established by the commission of all persons~~
200 ~~arrested or taken into custody as fugitives from justice, and~~
201 ~~of all unidentified human corpses in their jurisdictions. All~~
202 ~~biometric identifiers collected according to this section~~
203 ~~shall be provided to ALEA according to the rules of the~~
204 ~~commission.~~

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

211 (a) When an individual is arrested for an offense, the
212 arresting agency shall obtain fingerprints, palm prints, a
213 mugshot, and descriptive information required to establish a
214 criminal history record. The arresting agency may obtain other
215 biometric identifiers, including iris scans; photographs or
216 scars, marks, or tattoos; and DNA. Any data submitted to ALEA
217 CJIS as required or authorized by this section shall be
218 provided to ALEA according to the commission-approved
219 procedures established by ALEA CJIS for inclusion in the state
220 biometric identification repository.

221 (b) When an individual is detained or taken into
222 custody as a fugitive from justice, the agency with custody
223 over the individual may obtain biometric identifiers, which
224 may include fingerprints, photographs, palm prints, iris



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225 scans, or other identifiers specified by AJIC rule and provide
226 the information according to the procedures established by
227 ALEA CJIS. If the individual is subsequently released without
228 charge, released to the jurisdiction of the underlying arrest,
229 or otherwise cleared of the charged offense through criminal
230 justice proceedings, the involved agency shall notify ALEA
231 CJIS of the disposition within 30 days. Upon receiving
232 notification, ALEA shall remove all information regarding the
233 detainment or custodial event from all ALEA CJIS information
234 systems.

235 (c) All agencies that recover an unidentified human
236 corpse shall obtain biometric identifiers and provide this
237 information and other recovery event-related information to
238 ALEA according to the rules established by the commission and
239 procedures established by ALEA CJIS for inclusion in the state
240 biometric identification repository.

241 (d) A law enforcement officer may use a biometric
242 identification device with access to the state and federal
243 biometric identification repositories to identify an
244 individual to the extent allowed by state law in situations
245 that provide the officer authority to request or otherwise
246 take action to identify an individual. The device must meet
247 FBI or AJIC standards to compare the captured identifier to
248 the state or federal biometric identification repositories.
249 The commission shall establish rules for the use of these
250 devices and the resulting information returned from the use."

251 "§41-9-650

252 ~~In addition to any other requirements, any agency,~~



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253 ~~board, or commission in this state that issues a permit or~~
254 ~~license, by rule, may require a criminal background check~~
255 ~~through ALEA as part of its licensing or permitting~~
256 ~~requirements. Any agency, board, or commission adopting a rule~~
257 ~~requiring a background check shall be subject to rules and~~
258 ~~procedures of the commission for the use of the background~~
259 ~~check.~~

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

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

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

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

271 Section 2. Sections 41-9-650.1, 41-9-650.2, 41-9-650.3,
272 41-9-650.4, and 41-9-650.5 are added to the Code of Alabama
273 1975, to read as follows:

274 §41-9-650.1

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

278 (1) Any public or private employer to screen a
279 prospective employee or contractor or for other employment
280 purposes.



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281 (2) Any government agency, board, or commission with
282 legal authority to issue a license, permit, or certification
283 to screen an applicant for the issuance or renewal of the
284 license, permit, or certification.

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

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

289 (5) Any educational entity to screen student
290 applicants, prospective or current volunteers involved with
291 entity-related activities, or other individuals directly
292 related to the operations or events of the entity and subject
293 to the entity's authority.

294 (6) Any agency or organization established by federal
295 or state law for an official purpose of the agency or
296 organization.

297 (7) Any person or entity authorized by the rules of the
298 commission to obtain a background check for noncriminal
299 justice purposes.

300 (b) Except as otherwise provided by law, an individual
301 who is the subject of a background check for noncriminal
302 justice purposes shall provide express permission for the
303 release of information to the authorized person or entity
304 requesting the check prior to ALEA's dissemination of
305 background check information. The subject's express permission
306 shall be maintained, physically or digitally, by the
307 requesting person or entity for a period of three years or for
308 the term of the subject's association with the requester,



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309 whichever is longer.

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

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

316 (e) The commission may require a person or entity to
317 develop background check guidelines for the commission's
318 review and approval prior to allowing the release of
319 background check information to that person or entity.

320 (f) Background check information may only be
321 disseminated for the specific purposes listed in this section.
322 No person or entity that has received background check
323 information from ALEA shall subsequently disseminate the
324 background check information to any other person or entity.

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

327 §41-9-650.2

328 (a) The Alabama Background Check Service may be
329 provided through a biometric-based or a name-based search for
330 a background check record.

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

336 (c) The response to a biometric-based search shall only



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337 be provided upon the receipt of biometric information by ALEA
338 or a commission-approved third-party entity acting on behalf
339 of ALEA that meets all FBI standards for biometric
340 identification collection. This search shall provide state
341 information results, as well as other state and federal
342 information as allowed by law.

343 (d) An applicant for a license, permit, or
344 certification shall provide the issuing government agency,
345 board, or commission with his or her name, date of birth,
346 Social Security number, and express permission for the release
347 of information on a form sworn by the applicant. This
348 information shall be digitally provided to ALEA. If a
349 biometric-based check is requested, the applicant shall submit
350 fingerprints or other biometrics in accordance with AJIC rules
351 and ALEA CJIS procedures. If a national record check is
352 required, ALEA shall forward or process the applicant's prints
353 or other biometrics to the FBI for a national criminal
354 background check in a manner consistent with federal law.

355 §41-9-650.3

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

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

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

364 (2) Financial transaction fees.



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

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

370 (d) Requests for background checks made by the Alabama
371 Peace Officers' Standards and Training Commission or by any
372 criminal justice agency are exempt from fees established
373 pursuant to this section if the request is made for criminal
374 justice purposes or for the purpose of making an employment
375 suitability decision.

376 (e) All monies received for background checks shall be
377 deposited in the State Treasury to the credit of the Public
378 Safety Fund. The monies shall be used for the purposes of ALEA
379 CJIS and for other ALEA expenses as determined by the
380 secretary.

381 §41-9-650.4

382 (a) As part of the Alabama Background Check Service,
383 ALEA may establish the Alabama Rap Back Program. If
384 established, ALEA shall participate in the FBI's Next
385 Generation Identification (NGI) Rap Back Service. The purpose
386 of the rap back service is to allow ALEA to notify
387 participating entities when an enrolled individual is the
388 subject of a rap back notification event, including, but not
389 limited to, being arrested for or convicted of an offense.

390 (b) As used in this section, the following words have
391 the following meanings:

392 (1) INDIVIDUAL. Any individual who has undergone a



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393 fingerprint-based background check in order to care for
394 children, the disabled, or the elderly, or to be licensed,
395 certified, or to perform volunteer service, or for any other
396 FBI or federally authorized purpose with a participating
397 entity and who has been enrolled by that participating entity
398 in the Alabama Rap Back Program.

399 (2) PARTICIPATING ENTITY. An entity with statutory
400 authority to require an individual to undergo a
401 fingerprint-based background check as a condition to care for
402 children, the disabled, or the elderly, or to be licensed,
403 certified, or to perform volunteer service, or for any other
404 FBI or federally authorized purpose and has elected to enroll
405 those individuals in the Alabama Rap Back Program.

406 (c) ALEA may submit fingerprints and accompanying
407 records to the FBI to be retained in and advised through the
408 FBI's NGI Rap Back Service when an enrolled individual is
409 arrested for or convicted of a criminal offense. Fingerprints
410 submitted to the FBI may be used for future searches,
411 including latent searches.

412 (d) ALEA shall ensure that notification is made to the
413 participating entity that enrolls an individual in the Alabama
414 Rap Back Program when an FBI Rap Back report notification is
415 received. The information contained in the notification shall
416 be used by the participating entity for purposes of
417 determining the eligibility of the continued service of the
418 individual and shall not be further disseminated.

419 (e) ALEA shall adopt rules governing the operation and
420 maintenance of the Alabama Rap Back Program and the removal



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421 and destruction of records on individuals who are deceased or
422 who are no longer individuals as defined in this section. Such
423 rules shall provide that a participating entity shall
424 disenroll any individual who is deceased or is no longer an
425 individual as defined in this section within five business
426 days of death or such event that no longer requires the
427 individual to be enrolled in the Alabama Rap Back Program to
428 ensure the prompt removal and destruction of records from the
429 Alabama Rap Back Program.

430 (f) ALEA may assess an annual fee not to exceed twelve
431 dollars (\$12) per individual enrolled in the Alabama Rap Back
432 Program. The fee shall be paid by the participating entity
433 enrolling an individual in the Alabama Rap Back Program. When
434 more than one participating entity enrolls the same individual
435 in the Alabama Rap Back Program, both participating entities
436 shall be responsible for paying the full cost for maintenance
437 and notification. Any fees collected shall be deposited in the
438 State Treasury to the credit of the Public Safety Fund. Such
439 monies shall be used for the purposes of ALEA CJIS and for
440 other ALEA expenses as determined by the secretary.

441 (g) No participating entity authorized to submit
442 fingerprints shall be considered negligent per se in a civil
443 action solely because the entity elected not to enroll an
444 individual in the Alabama Rap Back Program pursuant to this
445 section.

446 (h) ALEA may establish an in-state rap back service for
447 any person or entity that does not qualify to receive
448 information from the FBI Rap Back Service but that has



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449 authority to require a state-only background check.

450 §41-9-650.5

451 (a) An individual commits the crime of misuse of a
452 background check report if he or she does any of the
453 following:

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

457 (2) Performs a background check on an individual
458 without first receiving a release, when required, from the
459 subject of the report.

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

463 (b) Misuse of a background check report is a Class B
464 misdemeanor.

465 Section 3. Article 4 of Chapter 2 of Title 32, Code of
466 Alabama 1975, relating to the release of criminal history
467 information, is repealed.

468 Section 4. This act shall become effective on October
469 1, 2026.



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472 Senate

473 Read for the first time and referred13-Jan-26
474 to the Senate committee on Veterans,
475 Military Affairs and Public Safety
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477 Read for the second time and placed14-Jan-26
478 on the calendar:
479 1 amendment
480
481 Read for the third time and passed03-Feb-26
482 as amended
483 Yeas 33
484 Nays 0
485 Abstains 0
486
487

Patrick Harris,
Secretary.

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