

1 SB24
2 133184-1
3 By Senator Dial
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 07/06/2011

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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, including the providing of information
14 relating to homeland security. The bill would
15 authorize the commission to charge fees for
16 information related to noncriminal background
17 checks, establish the crime of misuse of ACJIC
18 information, authorize the commission to establish
19 the Alabama Statistical Analysis Center and
20 authorize research and development.

21 The bill would also ratify and provide for
22 the implementation of the National Crime Prevention
23 and Privacy Act relating to the authorized
24 interstate exchange of criminal information for
25 noncriminal purposes and would authorize any
26 licensing agency or board to require a criminal

1 background check as a part of its licensing
2 requirements.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Sections 41-9-590, 41-9-591, 41-9-592,
2 41-9-594, 41-9-595, 41-9-597, 41-9-600, 41-9-601, 41-9-621 to
3 41-9-623, inclusive, 41-9-625, and 41-9-630, Code of Alabama
4 1975, to further provide for the operation, powers, and duties
5 of the Alabama Criminal Justice Information Center Commission
6 and the Alabama Criminal Justice Information Center, including
7 the providing of information related to homeland security; to
8 further provide for crimes and penalties related to
9 violations; to ratify and implement the National Crime
10 Prevention and Privacy Compact; to authorize any licensing or
11 permitting agency or board to require a criminal background
12 check by rule as a part of its licensing or permitting
13 requirements; and in connection therewith would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds within the meaning of Amendment 621
16 of the Constitution of Alabama of 1901, now appearing as
17 Section 111.05 of the Official Recompilation of the
18 Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 41-9-590, 41-9-591, 41-9-592,
21 41-9-594, 41-9-595, 41-9-597, 41-9-600, 41-9-601, 41-9-621 to
22 41-9-623, inclusive, 41-9-625, and 41-9-630, Code of Alabama
23 1975, are amended to read as follows:

24 "§41-9-590.

25 "When used in this article, the following terms
26 shall have the following meanings, respectively, unless the
27 context clearly indicates a different meaning:

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

3 "~~(7)~~(2) CENTER. The Alabama Criminal Justice
4 Information Center.

5 "~~(4)~~(3) COMMISSION. The Alabama Criminal Justice
6 Information Center Commission.

7 "~~(1)~~(4) CRIMINAL JUSTICE ~~AGENCIES~~ AGENCY. Such term
8 shall include those public agencies at all levels of
9 government which perform as their principal function
10 activities or planning for such activities relating to the
11 identification, apprehension, prosecution, adjudication or
12 rehabilitation of civil, traffic and criminal offenders.

13 "~~(5)~~ ~~ACJICC. The Alabama Criminal Justice~~
14 ~~Information Center Commission.~~

15 "~~(8)~~(5) DIRECTOR. The Director of the Alabama
16 Criminal Justice Information Center.

17 "(6) EMERGENCY RESPONSE AGENCY. Includes non-law
18 enforcement public agencies at all levels of government which
19 perform as their principal function activities or planning for
20 any activities relating to the protection of the public and
21 response to emergency situations and homeland security.

22 "~~(3)~~(7) ~~CRIMINAL JUSTICE INFORMATION SYSTEM and~~
23 ~~SYSTEM. Such terms shall include that portion of those public~~
24 ~~agencies, procedures, mechanisms, media and Criminal Justice~~
25 ~~Information Center forms as well as the information itself~~
26 ~~involved in the origination, transmittal, storage, retrieval,~~
27 ~~analysis and dissemination of information related to reported~~

1 ~~offenses, offenders and actions related to such events or~~
2 ~~persons required to be reported to and received by, as well as~~
3 ~~stored, analyzed and disseminated by the Alabama Criminal~~
4 ~~Justice Information Center Commission through the center. The~~
5 ~~combination of information technology, including computer~~
6 ~~equipment and infrastructure, data, forms, procedures, and~~
7 ~~mechanisms for the origination, transmittal, storage,~~
8 ~~retrieval, analysis, and dissemination of data, and the people~~
9 ~~who collect and use the data.~~

10 ~~"(2)(8) OFFENSE. Any act which is a felony, or is a~~
11 ~~misdemeanor, state violation, or a municipal violation as~~
12 ~~described in Section 41-9-622.~~

13 ~~"(9) PARTICIPATING AGENCY. Any agency or entity that~~
14 ~~subscribes to, accesses, or views any ACJIC information~~
15 ~~system.~~

16 ~~"§41-9-591.~~

17 ~~"(a) There is hereby ~~created and established~~ an~~
18 ~~Alabama Criminal Justice Information Center Commission, which~~
19 ~~shall establish, develop, and continue to operate a center and~~
20 ~~system for the interstate and intrastate accumulation,~~
21 ~~storage, retrieval, analysis and dissemination of vital~~
22 ~~information relating to certain crimes, criminals and criminal~~
23 ~~activity to information systems to support criminal justice,~~
24 ~~law enforcement, homeland security, and emergency response~~
25 ~~agencies. The center shall be known as the Alabama Criminal~~
26 ~~Justice Information Center.~~

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

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

16 "§41-9-592.

17 "(a) The commission shall be composed of two
18 sections.

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

21 "(1) The ~~the~~ Attorney General~~7~~.

22 "(2) The ~~the~~ Chairman of the Board of Pardons and
23 Paroles~~7~~.

24 "(3) The ~~the~~ Commissioner of the Board of
25 Corrections~~7~~.

26 "(4) The ~~the~~ President of the Alabama Sheriffs'
27 Association~~7~~.

1 "(5) The ~~the~~ Director of the Department of Public
2 Safety~~7.~~

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

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

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

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

11 "(10) The ~~the~~ Chief Justice of the Alabama Supreme
12 Court~~7.~~

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

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

17 "(13) The ~~the Governor's coordinator of Alabama~~
18 ~~Highway and Traffic Safety and~~ Director of the Department of
19 Homeland Security.

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

24 "(15) The Director of the Alabama Emergency
25 Management Agency.

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, a
7 representative of entities who own or operate critical
8 infrastructure (as defined at 42 U.S.C. §5195c(e), as amended)
9 in the State of Alabama, to be appointed by the Governor, and
10 a citizen of the State of Alabama, to be appointed by the
11 Governor.

12 "(d) The non-appointed member shall have authority
13 to select a designee based upon qualifications and with a view
14 of continuity of representation and attendance at the
15 commission meetings.

16 "(e) No person or individual shall continue to serve
17 on the commission when he or she no longer officially
18 represents the function or serves in the capacity enumerated
19 in this section as a member to which he or she was elected or
20 appointed, except the critical infrastructure and citizen
21 appointees who serve at the pleasure of the Governor.

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

25 "§41-9-594.

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

4 "(b) The commission shall ensure ~~that: The the~~
5 information obtained under authority of this article is
6 restricted to the items germane to the implementation of this
7 article; and that the Alabama Criminal Justice Information
8 ~~Center (ACJIC)~~ center is administered so as ~~not~~ to accumulate
9 or distribute ~~any~~ information ~~not~~ required by this article;
10 and.

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

15 "~~(b)~~ (d) The chair of the commission shall appoint a
16 Privacy and Security Committee from the membership of the
17 commission who are elected officials or their designees,
18 consisting of a chair and three members, to study the privacy
19 and security implications of ~~criminal justice~~ sharing
20 information through ACJIC information systems and to formulate
21 policy recommendations for consideration by the commission
22 concerning the collection, storage, dissemination, or usage of
23 ~~criminal justice~~ the information.

24 "~~(c)~~ (e) The commission may adopt policies regarding
25 the collection, storage, and dissemination of ~~arrest and~~
26 ~~criminal history~~ information that conform to the policies of

1 the ~~National Crime Information Center of the~~ Federal Bureau of
2 Investigation Criminal Justice Information Systems Division.

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

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

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

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

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

13 "(k) Notwithstanding any other provision of this
14 article or any other provision of law or any provision of any
15 compact authorized pursuant to this article, ACJIC shall not
16 provide civil circuit court or civil district court records
17 nor provide access to civil circuit court or civil district
18 court records to any entity.

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

1 "§41-9-595.

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

12 "§41-9-597.

13 "The staff ~~and personnel~~ employed by the commission
14 for the development and operation of the center and system
15 shall be governed by the personnel Merit System rules and
16 regulations of the State Personnel Department.

17 "~~Employees of agencies or institutions which are~~
18 ~~transferred to the center or commission under the provisions~~
19 ~~of this article shall remain in their respective employments~~
20 ~~and shall be considered to meet the requirements of the~~
21 ~~department in terms of training and experience, but nothing in~~
22 ~~this section shall be construed to prevent or preclude the~~
23 ~~removal of an employee for cause in the manner provided by~~
24 ~~law. Such employees shall continue to enjoy employment~~
25 ~~conditions, including, but not limited to, salary range and~~
26 ~~advancement at a level no less than those enjoyed prior to~~
27 ~~transfer to the center or commission. All time accumulated~~

1 while engaged in such prior employment shall be credited
2 toward all privileges enjoyed under state merit employment.

3 "§41-9-600.

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

15 "§41-9-601.

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

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

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

26 "(b) A ~~any~~ member, officer, employee, or agent of
27 the ~~ACJIC~~ commission, the ~~ACJIC~~ center, or any participating

1 agency ~~who~~ commits the crime of misuse of ACJIC information if
2 he or she willfully falsifies criminal offender record
3 information or any records relating thereto shall, for each
4 offense, be fined not less than \$5,000.00 nor more than
5 \$10,000.00 or imprisoned in the state penitentiary for not
6 more than five years or both maintained in or accessible by an
7 ACJIC information system.

8 "(c) Misuse of ACJIC information is a Class B
9 felony.

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

12 "§41-9-621.

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

15 "(1) Develop, operate and maintain ~~an~~ information
16 ~~system~~ systems which will support the collection, storage,
17 retrieval, analysis, and dissemination of all ~~crime and~~
18 ~~offender~~ criminal justice and homeland security data,
19 including, but not limited to, biometrics and geospatial
20 information, ~~described in this article~~ consistent with those
21 principles of scope, security, and responsiveness prescribed
22 by this article~~7~~. The primary mission of the center is to
23 serve the informational needs of criminal justice and
24 emergency response agencies and other agencies specifically
25 authorized by law by connecting local, county, state, and
26 federal authorities to a centralized state clearinghouse of
27 information. In addition to its primary mission, the

1 commission may establish regulations to allow additional
2 governmental agencies and nongovernmental entities or
3 individuals to access ACJIC information systems or use its
4 resources. The commission may establish a reasonable fee
5 schedule to recoup costs for providing its services.

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

12 "(3) Offer assistance and, when practicable,
13 instruction to all criminal justice and emergency response
14 agencies in establishing efficient systems for information
15 management.

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

1 ~~analyses and dissemination of such analyses, and shall be~~
2 ~~subject to any security provisions deemed necessary by the~~
3 ~~commission;~~

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

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

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

26 "c. Provide statistical and investigative data
27 including identifying information pertaining to individuals

1 listed on incident/offense and arrest reports to participating
2 law enforcement agencies based upon the data collected from
3 the agencies' uniform crime reports submitted pursuant to
4 Section 41-9-620.

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

12 "(5) Provide for research and development activities
13 that will encourage the application of advanced technology,
14 including the development of prototype systems and procedures,
15 the development of plans for the implementing of these
16 prototypes, and the development of technological expertise
17 which can provide assistance in the application of technology
18 in records management and information sharing systems in
19 Alabama.

20 ~~"(6) Make available, upon request, to all any local,~~
21 ~~state, including any other state, or federal criminal justice~~
22 ~~agencies in this state, to all federal criminal justice and or~~
23 ~~criminal identification agencies and to state criminal justice~~
24 ~~and criminal identification agencies in other states agency~~
25 ~~any criminal justice information in the files of the ACJIC~~
26 ~~information systems which will aid these agencies in crime~~
27 ~~fighting; for. For this purpose ~~the~~ ACJIC shall operate 24~~

1 hours per day, seven days per week~~7~~. The commission may adopt
2 policies to share criminal justice information with
3 international criminal justice agencies.

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

12 "(8) Provide the administrative mechanisms and
13 procedures necessary to respond to those individuals who file
14 requests to view their own records as provided for elsewhere
15 in this article and to cooperate in the correction of the
16 central ACJIC records and those of contributing agencies when
17 their accuracy has been successfully challenged either through
18 the related contributing agencies or by court order issued on
19 behalf of the individual~~7~~.

20 "(9) Institute the necessary measures in the design,
21 implementation~~7~~, and continued operation of the ~~criminal~~
22 ~~justice~~ ACJIC information system to ensure the privacy and
23 security of the system. ~~Such~~ Any privacy and security measures
24 ~~must~~ shall meet standards to be set by the commission as well
25 as those set by the nationally operated systems for interstate
26 sharing of such information~~7~~; and. The measures instituted may
27 include the suspension of access to ACJIC information systems

1 pending investigation and prosecution of misuse of ACJIC
2 information and the denial of access for the conviction of any
3 criminal offense. ACJIC shall be exempt from Sections 41-22-12
4 to 41-22-21, inclusive.

5 "(10) Designate in writing agents or employees of
6 ~~the~~ ACJIC who shall be and are hereby constituted peace
7 officers of the State of Alabama with full and unlimited
8 police power and statewide jurisdiction. to The designated law
9 enforcement officers shall investigate misuse of ACJIC
10 information systems and 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 "(11) Perform other duties to facilitate the
18 integration, collaboration, and cooperation of all criminal
19 justice and emergency response agencies through information
20 sharing as deemed necessary by the commission, including, but
21 not limited to, providing information services to such
22 additional agencies, entities, or individuals and support to
23 the state fusion center. Any information system developed
24 under this subdivision shall be reviewed by the Privacy and
25 Security Committee before recommendation to the commission.

26 "§41-9-622.

1 "a) ~~The commission may obtain, compare, file,~~
2 ~~analyze, and disseminate, and all~~ shall maintain the state's
3 criminal history files within the ACJIC information systems in
4 accordance with federal regulations and this article. The
5 files shall be compared, analyzed, and disseminated according
6 to this article.

7 "b) ~~All state, county, and municipal~~ criminal
8 justice agencies ~~are required to report~~ shall submit to ACJIC
9 all fingerprints, descriptions, photographs, and any other
10 pertinent identifying and historical criminal data for
11 inclusion in the criminal history files on the following
12 persons:

13 "(1) Persons who have been or are hereafter arrested
14 or convicted in this state or any state for an offense which
15 is a felony or ~~an offense which is a~~ misdemeanor offense
16 ~~escalating to a felony involving, but not limited to:~~
17 ~~Possession of burglary tools or unlawful entry; engaging in~~
18 ~~unlawful commercial gambling; dealing in gambling; dealing in~~
19 ~~gambling devices; contributing to the delinquency of a child;~~
20 ~~robbery, larceny or dealing in stolen property; possession of~~
21 ~~controlled substances and illegal drugs, including marijuana;~~
22 ~~firearms; dangerous weapons; explosives; pandering;~~
23 ~~prostitution; rape; sex offenses, where minors or adults are~~
24 ~~victims; misrepresentation; fraud; and worthless checks.~~

25 "(2) Persons who have been or are hereafter charged
26 with an act of delinquency or adjudicated a delinquent or
27 youthful offender in this state or any state for an act which

1 would constitute a felony or misdemeanor offense, as described
2 in subdivision (1), or any other offense as proscribed by
3 state or federal law if it had been committed by an adult.

4 "(3) Persons who have been or are hereafter arrested
5 or convicted for any offense required or allowed for inclusion
6 in the state criminal history file by federal law or
7 regulation.

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

14 "§41-9-623.

15 "(a) All criminal justice agencies within the state
16 shall submit to ~~the~~ ACJIC and ~~, by forwarding to~~ the Alabama
17 Department of Public Safety~~,~~ fingerprints, descriptions,
18 photographs, when specifically requested, and other
19 identifying data on the following persons:

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

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

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

8 "(c) All state agencies that maintain noncriminal
9 justice or homeland security information may provide for ACJIC
10 access to the data for inclusion in the ACJIC information
11 systems.

12 "§41-9-625.

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

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

7 "§41-9-630.

8 "(a) All persons in charge of criminal justice
9 agencies in this state shall furnish ~~the~~ ACJIC with any other
10 identifying data required in accordance with guidelines
11 established by the ~~ACJIC~~ commission.

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

17 Section 2. (a) In order to facilitate the authorized
18 interstate exchange of criminal history information for
19 noncriminal justice purposes, including, but not limited to,
20 background checks for the licensing and screening of employees
21 and volunteers under the National Child Protection Act of
22 1993, as amended, and to implement the National Crime
23 Prevention and Privacy Compact, 42 U.S.C. §14616, the
24 Legislature approves and ratifies the compact. The director
25 shall execute the compact on behalf of the state.

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

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

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

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

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

22 Section 4. ACJIC may provide criminal history
23 information to a judge of probate for the purpose of name
24 changes, adoption hearings, determining the eligibility of
25 administrators or executors of estates, and for any other
26 lawful purpose.

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

9 Section 6. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.