

1 SB304
2 189809-2
3 By Senator Williams
4 RFD: Judiciary
5 First Read: 13-FEB-18

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8 SYNOPSIS: This bill provides for technical revisions
9 that comply with Act 2013-67 which vested all
10 functions of the Alabama Criminal Justice
11 Information Center with the Alabama State Law
12 Enforcement Agency (ALEA) and renamed the Alabama
13 Criminal Justice Information Center Commission.

14 This bill would clarify the operation,
15 powers, and duties of the Alabama Justice
16 Information Commission.

17 This bill would authorize ALEA to execute
18 and implement the National Crime Prevention and
19 Privacy Compact.

20 This bill would further authorize ALEA to
21 charge a fee for criminal background checks subject
22 to certain limitations.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

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

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to the Alabama Justice Information
22 Commission; to amend Sections 41-9-590, 41-9-591, 41-9-592,
23 41-9-593, 41-9-594, 41-9-595, 41-9-621, 41-9-623, 41-9-625,
24 and 41-9-637, Code of Alabama 1975, to provide for technical
25 revisions; to clarify the operation, powers, and duties of the
26 Alabama Justice Information Commission; to add Sections
27 41-9-650, 41-9-651, and 41-9-652 to the Code of Alabama 1975,

1 to authorize ALEA to execute and implement the National Crime
2 Prevention and Privacy Compact; and to authorize ALEA to
3 charge a fee for criminal background checks subject to certain
4 limitations; to repeal Sections 41-9-597, 41-9-622, and
5 41-9-629 of the Code of Alabama 1975, and in connection
6 therewith would have as its purpose or effect the requirement
7 of a new or increased expenditure of local funds within the
8 meaning of Amendment 621 of the Constitution of Alabama of
9 1901, now appearing as Section 111.05 of the Official
10 Recompilation of the Constitution of Alabama of 1901, as
11 amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 41-9-590, 41-9-591, 41-9-592,
14 41-9-593, 41-9-594, 41-9-595, 41-9-621, 41-9-623, 41-9-625,
15 and 41-9-637, Code of Alabama 1975, are amended to read as
16 follows:

17 "§41-9-590.

18 "When used in this article, the following terms
19 shall have the following meanings, respectively, unless the
20 context clearly indicates a different meaning:

21 "(1) AJIC. The Alabama Justice Information
22 Commission, formerly known as the Alabama Criminal Justice
23 Information Center Commission.

24 "(2) ALEA. The Alabama State Law Enforcement Agency
25 which succeeded and was vested with all functions of the
26 Alabama Criminal Justice Information Center.

1 "(3) CJIS SYSTEMS OFFICER (CSO). An individual
2 designated by the secretary to be the director of state
3 operations under this article who is responsible for the
4 administration of the FBI CJIS policies on behalf of the
5 state.

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

8 "(5) CRIMINAL HISTORY RECORD INFORMATION (CHRI). A
9 subset of CJI. This term includes any notations or other
10 written or electronic evidence of an arrest, detention,
11 complaint, indictment, information, or other formal criminal
12 charge relating to an identifiable person that includes
13 identifying information regarding the individual as well as
14 the disposition of any charges.

15 "(6) ~~(1)~~ CRIMINAL JUSTICE AGENCIES (CJA). Such term
16 shall include those public agencies at all levels of
17 government, including federal, state, local, and tribal, which
18 perform as their ~~principal~~ function substantial activities or
19 planning for such activities relating to the identification,
20 apprehension, prosecution, adjudication or rehabilitation of
21 civil, traffic and criminal offenders.

22 "(7) CRIMINAL JUSTICE INFORMATION (CJI). An abstract
23 term used to refer to all of the ALEA or FBI CJIS provided
24 data necessary for law enforcement agencies to perform their
25 mission and enforce the laws. This term includes, but is not
26 limited to, biometric, identity history, person, organization,
27 property, when accompanied by any personally identifiable

1 information, and case/incident history data. In addition, CJI
2 refers to the ALEA or FBI CJIS provided data necessary for
3 agencies to perform their mission, including, but not limited
4 to, data used to make hiring decisions.

5 "(8) CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
6 (CJIS or FBI CJIS). The division of the Federal Bureau of
7 Investigation that equips law enforcement, national security,
8 and intelligence community partners with needed CJI.

9 "(9) INFORMATION SYSTEM. A system of people, data,
10 and processes, whether manual or automated, established for
11 the purpose of managing information.

12 "(10) NLETS. Network provider for exchange of CJI
13 among multiple state, federal, and international law
14 enforcement agencies.

15 "(11) NLETS SYSTEM AGENCY (NSA). The agency
16 responsible for the administration of the Nlets network within
17 this state.

18 "(12) ~~(2)~~ OFFENSE. Any act which is a felony or is a
19 misdemeanor as described in Section 41-9-622, misdemeanor,
20 state violation, municipal ordinance or violation, or an act
21 of delinquency.

22 "(13) SECRETARY. The Secretary of the Alabama State
23 Law Enforcement Agency.

24 ~~"(3) CRIMINAL JUSTICE INFORMATION SYSTEM and SYSTEM.~~
25 Such terms shall include that portion of those public
26 agencies, procedures, mechanisms, media and Criminal Justice
27 Information Center forms as well as the information itself

1 ~~involved in the origination, transmittal, storage, retrieval,~~
2 ~~analysis and dissemination of information related to reported~~
3 ~~offenses, offenders and actions related to such events or~~
4 ~~persons required to be reported to and received by, as well as~~
5 ~~stored, analyzed and disseminated by the Alabama Criminal~~
6 ~~Justice Information Center Commission through the center.~~

7 ~~"(5) ACJICC. The Alabama Criminal Justice~~
8 ~~Information Center Commission.~~

9 ~~"(6) ACJIC. The Alabama Criminal Justice Information~~
10 ~~Center.~~

11 ~~"(7) CENTER. The Alabama Criminal Justice~~
12 ~~Information Center.~~

13 ~~"(8) DIRECTOR. The Director of the Alabama Criminal~~
14 ~~Justice Information Center.~~

15 ~~"§41-9-591.~~

16 ~~"(a) There is hereby created and established an~~
17 ~~Alabama Criminal Justice Information Center Commission, which~~
18 ~~shall establish, develop and continue to operate a center and~~
19 ~~system for the interstate and intrastate accumulation,~~
20 ~~storage, retrieval, analysis and dissemination of vital~~
21 ~~information relating to certain crimes, criminals and criminal~~
22 ~~activity to be known as the Alabama Criminal Justice~~
23 ~~Information Center be the regulatory body to establish policy~~
24 ~~and procedure for the interstate and intrastate accumulation,~~
25 ~~storage, retrieval, analysis, and dissemination of information~~
26 ~~relating to offenses, criminals, and criminal activity~~

1 collection, and the use of information of any data within the
2 state for criminal investigation and public safety purposes.

3 "(b) Central responsibility for the development,
4 maintenance, operation, and administration of the policies and
5 procedures dictated by the commission and legal mandates of
6 this article ~~Alabama Criminal Justice Information Center~~ shall
7 be vested with the ~~Secretary Director of the ACJIC~~ under the
8 ~~supervision of the Alabama Criminal Justice Information Center~~
9 ~~Commission.~~

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

19 "§41-9-592.

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

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

24 "(1) The the Attorney General.

25 "(2) The the Secretary of the Alabama State Law
26 Enforcement Agency.

1 "(3) The ~~the Chairman Chair~~ of the Board of Pardons
2 and Paroles.7

3 "(4) The ~~the Commissioner of the Board~~ Department of
4 Corrections.7

5 "(5) The ~~the President of the Alabama Sheriffs'~~
6 Association,~~the Director of the Department of Public Safety,~~.

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

9 "(7) The ~~the~~ Director of the Division of Law
10 Enforcement and Traffic Safety within the Alabama Department
11 of Economic and Community Affairs. ~~Alabama Law Enforcement~~
12 ~~Planning Agency,~~

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

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

17 "(10) The ~~the~~ Chief Justice of the Alabama Supreme
18 Court.7

19 "(11) The ~~the~~ President of the Alabama Association
20 of District Intermediate Court Judges.7

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

23 "(13) the The Alabama Secretary of Information
24 Technology ~~Governor's Coordinator of Alabama Highway and~~
25 ~~Traffic Safety and the Director of the Data Systems Management~~
26 ~~Division of the Alabama Department of Finance.~~

27 "(c) The advisory section shall ~~will~~ include:

1 "(1) The ~~the~~ presiding officer of the Alabama
2 Senate.7

3 "(2) The ~~the~~ Speaker of the Alabama House of
4 Representatives.7

5 "(3) The ~~the~~ President of the Association of County
6 Commissions of Alabama.7

7 "(4) The ~~the~~ President of the Alabama League of
8 Municipalities.7

9 "(5) The ~~the~~ Administrative Director of the Courts.
10 and

11 "(6) The Executive Director for the Alabama Peace
12 Officers' Standards and Training Commission.

13 "(7) A ~~a~~ citizen of the State of Alabama, to be
14 appointed by the Governor.

15 "(d) Any ~~The~~ member, except the citizen appointee,
16 may designate in writing ~~a shall have authority to select~~ a
17 designee based upon qualifications and with a view of
18 continuity of representation and attendance at the commission
19 meetings.

20 "(e) No person or individual shall continue to serve
21 on the commission when he or she no longer officially
22 represents the function or serves in the capacity enumerated
23 in this section as a member to which he or she was elected or
24 appointed.

25 "§41-9-593.

26 "(a) The commission shall, ~~upon its first meeting,~~
27 elect from its membership a ~~chairman~~ chair and a vice-~~chairman~~

1 chair who shall serve for a period of one year. The
2 ~~vice-chairman~~ chair shall act in the place of the ~~chairman~~
3 chair in his or her absence or disability. If a new chair and
4 vice-chair is not elected at the January meeting, the current
5 chair and vice-chair shall remain in place until successors
6 are elected. ~~Commencing October 1, 2014, the Secretary of the~~
7 ~~Alabama State Law Enforcement Agency shall serve as chairman~~
8 ~~of the commission.~~

9 "(b) The commission shall meet at such times as
10 designated by the commission or by the ~~chairman~~ chair at the
11 state capital or at other places as is deemed necessary or
12 convenient, but the chairman of the commission must call a
13 meeting four times a year at the state capital or main
14 location of ~~the ACJIC~~ ALEA in the months of January, April,
15 July, and October. The ~~chairman~~ chair of the commission may
16 also call a special meeting of the commission at any time he
17 or she deems it advisable or necessary. A quorum shall be a
18 simple majority of the voting commission membership or their
19 designees and all matters coming before the commission shall
20 be voted on by the commission.

21 "(c) The commission will keep or cause to be kept a
22 record of all transactions discussed or voted on by the
23 commission.

24 "(d) Members of the commission and their designees
25 shall serve without compensation; except, that payment of
26 their expenses may be paid in accordance with the applicable
27 state travel regulations.

1 "§41-9-594.

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

5 "(b) The commission shall ~~ensure that. The~~ establish
6 rules and policies which will restrict the information
7 obtained under authority of this article ~~is restricted to the~~
8 items germane to the implementation of this article; and the
9 ~~Alabama Criminal Justice Information Center (ACJIC) is~~
10 ~~administered so as not to accumulate or distribute any~~
11 ~~information not required by this article; and adequate~~
12 ~~safeguards are incorporated so that data available through~~
13 ~~this system is~~ restrict the information used use to only by
14 properly authorized persons and agencies.

15 "(c) ~~(b)~~ 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 sharing criminal justice
20 information and to formulate policy recommendations for
21 consideration by the commission concerning the collection,
22 storage, dissemination, or usage of criminal justice
23 information.

24 "(d) ~~(c)~~ The commission may adopt rules and policies
25 regarding the collection, storage, and dissemination of ~~arrest~~
26 ~~and criminal history~~ criminal justice information that conform
27 to the policies of the ~~National Crime Information Center of~~

1 ~~the Federal Bureau of Investigation~~ FBI CJIS Division. The
2 ~~ACJIC may supply employee~~ commission may adopt rules and
3 policies that permit ALEA to perform background checks for
4 noncriminal justice purposes ~~criminal records as provided in~~
5 ~~subsection (a)~~ and may provide for the procedure for obtaining
6 the records including, but not limited to, charging a
7 ~~twenty-five dollar (\$25)~~ fee not to exceed twenty five (\$25)
8 dollars for securing records through ALEA ~~the ACJIC system~~.
9 Such monies shall be deposited into the State Treasury for the
10 Public Safety Fund and shall be used to cover the expenses for
11 improving criminal history records and the state repository at
12 ALEA.

13 " (e) ~~(d)~~ 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 ALEA ~~the ACJIC~~ a criminal
21 background check on any person who applies for employment with
22 the college or university, and ALEA may charge a background
23 search fee of twenty-five dollars (\$25) from each applicant
24 for each search conducted on the applicant. All fee proceeds
25 from the background check fee shall be deposited in the State
26 Treasury to the credit of the ALEA Public Safety Fund and
27 shall be used to cover expenses for improving the criminal

1 ~~history records and state repository at ALEA Criminal Justice~~
2 ~~Information System Automation Fund and shall be expended for~~
3 ~~any purposes for which the ACJIC is authorized to expend funds~~
4 ~~appropriated to that department.~~

5 "(f) The commission may establish a fee schedule for
6 any services rendered by ALEA under the authority of this
7 article. All fees shall be deposited into the State Treasury
8 to the credit of the ALEA Public Safety Fund.

9 "§41-9-595.

10 "The ~~commission~~ secretary shall appoint a director
11 ~~and a deputy director for the Alabama Criminal Justice~~
12 ~~Information Center~~ who shall be responsible for the
13 development, maintenance, and operation of ~~the ACJIC~~ all
14 duties of ALEA as required by the terms of this article and
15 the implementation and operation of policies, programs, and
16 procedures established by the commission under the limitations
17 of this article. The qualifications of the director ~~and deputy~~
18 ~~director~~ shall be determined by the State Personnel
19 Department.

20 "§41-9-621.

21 "The commission, acting through the ~~Director of the~~
22 ~~Alabama Criminal Justice Information Center~~ Secretary, shall:

23 "(1) Develop, operate and maintain ~~an~~ information
24 ~~system~~ systems which will support the collection, storage,
25 retrieval, analysis and dissemination of all ~~crime and~~
26 ~~offender data described in this article~~ criminal justice
27 information, other data that will aid crime fighting and

1 public safety, as determined by the commission, including, but
2 not limited to, data from license plate readers, biometrics
3 and geospatial information, and data from any other
4 automated-data collection systems operated by criminal justice
5 agencies consistent with those principles of scope, security
6 and responsiveness prescribed by this article. The commission
7 may adopt rules and policies regarding the collection, use,
8 storage, dissemination, and transmittal to ALEA, of this
9 information by criminal justice agencies within the state. The
10 information in these systems is privileged, not public record,
11 and subject to the same criminal penalties for misuse as
12 provided in Sections 41-9-601 and 41-9-602.

13 "(2) Cooperate with all criminal justice agencies
14 within the state in providing those forms, procedures,
15 standards and related training assistance necessary for the
16 uniform operation of the statewide ALEA ACJIC crime reporting
17 and criminal justice information ~~system~~, systems.

18 "(3) Offer assistance and, when practicable,
19 instruction to all criminal justice agencies in establishing
20 efficient systems for information management.

21 "(4) Compile statistics on the nature and extent of
22 crime in Alabama and compile data for planning and operating
23 criminal justice agencies; provided, that such statistics
24 shall not identify persons. The commission shall make
25 available all such statistical information obtained to the
26 Governor, the Legislature, the judiciary and any such other
27 governmental agencies whose primary responsibilities include

1 the planning, development or execution of crime reduction
2 programs. Access to such information by such governmental
3 agencies shall be on an individual written request basis or in
4 accordance with the commission-approved operational procedure,
5 wherein must be demonstrated a need to know, the intent of any
6 analyses and dissemination of such analyses, and shall be
7 subject to any security provisions deemed necessary by the
8 commission.

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

16 "(6) Make available, upon request, to all criminal
17 justice agencies in this state, to all federal criminal
18 justice and criminal identification agencies and to state
19 criminal justice and criminal identification agencies in other
20 states any information in the files of ALEA ~~the ACJIC~~ which
21 will aid these agencies in crime fighting and public safety;
22 for this purpose ALEA ~~the ACJIC~~ shall operate 24 hours per
23 day, seven days per week. The commission may adopt policies to
24 share criminal justice information with international criminal
25 justice agencies.

26 "(7) Cooperate with other agencies of this state,
27 the crime information agencies of other states and the uniform

1 crime reports and national crime information center systems of
2 the Federal Bureau of Investigation or any entity designated
3 by the federal government as the central clearinghouse for
4 criminal justice information systems in developing and
5 conducting an interstate, national and international system of
6 criminal identification, records and statistics.7

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

15 "(9) Institute the necessary measures in the design,
16 implementation and continued operation of the criminal justice
17 information ~~system~~ systems to ensure the privacy and security
18 of the system. ~~Such~~ Any privacy and security measures must
19 meet standards to be set by the commission as well as those
20 set by the nationally operated systems for interstate sharing
21 of such information.7 ~~and~~

22 "(10) Designate in writing agents or employees of
23 ALEA ~~the ACJIC~~ who shall be and are hereby constituted law
24 enforcement ~~peace~~ officers of the State of Alabama with full
25 and unlimited police power and jurisdiction to enforce the
26 laws of this state pertaining to the operation and
27 administration of the Alabama Criminal Justice Information

1 System and the storage, use and dissemination of information
2 processed therein.

3 "(11) Establish guidelines for appropriate measures
4 to be taken in the instance of any violation of data reporting
5 or dissemination and shall initiate and pursue appropriate
6 action for violations of rules, laws, and constitutional
7 provisions pertaining thereto. The measures instituted may
8 include, but are not limited to, the suspension of access to
9 ALEA information systems pending investigation, the temporary
10 or permanent suspension of access based upon a final
11 investigation, acceptance of a user agency's administrative
12 sanction, and prosecution of misuse of information and the
13 denial of access for the conviction of any criminal offense.
14 For the purposes of this section, the commission and ALEA
15 shall be exempt from Sections 41-22-12 to 41-22-21, inclusive.

16 "§41-9-623.

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

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

25 "(2) Persons who have been charged with an act of
26 delinquency or adjudicated a youthful offender for conduct
27 which would constitute an offense ~~a felony or misdemeanor~~

1 ~~offense, as described in subdivision (1),~~ if committed by an
2 adult.

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

9 "(c) The State Administrative Director of Courts or
10 the chief administrative officer of any other entity,
11 including municipal courts and district attorneys, charged
12 with the compilation of information and statistics pertaining
13 to the disposition of criminal cases shall report the
14 disposition to ALEA within a reasonable time after formal
15 rendition of judgment as prescribed by the commission.

16 "§41-9-625.

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

1 previous year are on file. ~~Fingerprints and other identifying~~
2 ~~data of persons arrested for offenses other than those~~
3 ~~designated in this article may be taken at the discretion of~~
4 ~~the agency concerned.~~

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

11 "§41-9-637.

12 "Pertinent identifying data and historical criminal
13 information may be obtained and disseminated on any person
14 confined to any workhouse, jail, reformatory, prison,
15 penitentiary or other penal institution having been convicted
16 of ~~an~~ any offense ~~described in Section 41-9-622.~~"

17 Section 2. Sections 41-9-650, 41-9-651, and 41-9-652
18 are added to the Code of Alabama 1975, to read as follows:

19 §41-9-650.

20 In addition to any other requirements, any agency,
21 board, or commission in this state that issues a permit or
22 license may, by rule, require a criminal background check
23 through ALEA as part of its licensing or permitting
24 requirements. Any agency, board, or commission adopting a rule
25 requiring a background check shall be subject to rules and
26 procedures of the commission for the use of the background
27 check.

1 §41-9-651.

2 Subject to the rules of the commission, ALEA may
3 provide criminal history information to a judge of probate for
4 the purpose of name changes, adoption hearings, determining
5 the eligibility of administrators or executors of estates, or
6 for any other lawful purpose.

7 §41-9-652.

8 (a) In order to facilitate the authorized interstate
9 exchange of criminal history information for noncriminal
10 justice purposes, including, but not limited to, background
11 checks for the licensing and screening of employees and
12 volunteers under the National Child Protection Act of 1993, 42
13 U.S.C. Section 5119-5119c, as amended, and to implement the
14 National Crime Prevention and Privacy Compact, 42 U.S.C.
15 Section 14616, the Legislature approves and ratifies the
16 compact. The secretary shall execute the compact on behalf of
17 the state. The secretary may delay the initial execution of
18 this compact until funding is secured to establish the
19 procedures and hire the necessary staff to fulfill the
20 requirements and responsibilities of this compact.

21 (b) ALEA is the repository of criminal history
22 records for purposes of the compact and shall do all things
23 necessary or incidental to carry out the compact.

24 (c) The secretary, or the secretary's designee, is
25 the compact officer of the state and shall administer the
26 compact within the state. The commission may adopt rules and
27 establish procedures for the cooperative exchange of criminal

1 history records between the state and federal governments for
2 use in noncriminal justice cases.

3 (d) The ratification of the state of the compact
4 remains in effect until legislation is enacted which
5 specifically renounces the compact.

6 (e) This compact and this section do not affect or
7 abridge the obligations and responsibilities of ALEA under
8 other provisions of this article and do not alter or amend the
9 manner, direct or otherwise, in which the public is afforded
10 access to criminal history records under state law.

11 (f) All revenue received by ALEA through the
12 exchange of information enabled through this compact shall be
13 deposited into the Public Safety Fund and shall be expended
14 for the purpose of maintaining and supporting the Records and
15 Identification Section of the Criminal Justice Services
16 Division, or its successor, within the State Bureau of
17 Investigation.

18 Section 3. All laws or parts of laws which conflict
19 with this act are repealed. Specifically, Sections 41-9-597,
20 41-9-622, and 41-9-629, Code of Alabama 1975, are repealed.

21 Section 4. The Code Commissioner shall conform
22 references in the Code of Alabama 1975, to the units,
23 departments, divisions, and other state entities included in
24 this act to reflect the changes required by this act and Act
25 2013-67. Code changes shall be made at a time determined to be
26 appropriate by the Code Commissioner.

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 on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.