

1 HB556
2 196362-3
3 By Representative Baker
4 RFD: State Government
5 First Read: 02-MAY-19

1 now appearing as Section 111.05 of the Official Recompilation
2 of the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 41-9-590, 41-9-591, 41-9-592,
5 41-9-593, 41-9-594, 41-9-595, 41-9-596, 41-9-598, 41-9-601,
6 41-9-621, 41-9-623, 41-9-625, 41-9-627, 41-9-628, 41-9-630,
7 41-9-631, 41-9-632, 41-9-633, 41-9-634, 41-9-635, 41-9-637,
8 41-9-643, 41-9-645, 41-9-646, and 41-9-649, Code of Alabama
9 1975, are amended to read as follows:

10 "§41-9-590.

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

14 "(1) AJIC or COMMISSION. The Alabama Justice
15 Information Commission.

16 "(2) ALEA. The Alabama State Law Enforcement Agency.

17 "~~(1)~~ (3) CRIMINAL JUSTICE AGENCIES. Such term shall
18 ~~include those~~ Federal, state, local, and tribal public
19 ~~agencies at all levels of government which~~ that perform ~~as~~
20 ~~their principal function~~ substantial activities or planning
21 for ~~such~~ activities relating to the identification,
22 apprehension, prosecution, adjudication or rehabilitation of
23 civil, traffic, and criminal offenders.

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

26 "(4) CRIMINAL JUSTICE INFORMATION. Data necessary
27 for criminal justice agencies to perform their duties and

1 enforce existing law. This term includes, but is not limited
2 to, biometric, identity history, person, organization,
3 property, when accompanied by any personally identifiable
4 information, and case/incident history data, and any other
5 data deemed criminal justice information by the FBI CJIS
6 Security Policy. The term also includes ALEA provided or FBI
7 CJIS provided data necessary to make hiring decisions.

8 "(5) CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
9 or FBI CJIS. The division of the Federal Bureau of
10 Investigation that equips law enforcement, national security,
11 and intelligence community partners with needed criminal
12 justice information.

13 ~~"(3) CRIMINAL JUSTICE INFORMATION SYSTEM and SYSTEM.~~
14 ~~Such terms shall include that portion of those public~~
15 ~~agencies, procedures, mechanisms, media and Criminal Justice~~
16 ~~Information Center forms as well as the information itself~~
17 ~~involved in the origination, transmittal, storage, retrieval,~~
18 ~~analysis and dissemination of information related to reported~~
19 ~~offenses, offenders and actions related to such events or~~
20 ~~persons required to be reported to and received by, as well as~~
21 ~~stored, analyzed and disseminated by the Alabama Criminal~~
22 ~~Justice Information Center Commission through the center.~~

23 "(6) INFORMATION SYSTEM. A system of people, data,
24 and processes, whether manual or automated, established for
25 the purpose of managing information.

1 "(7) NLETS. Network provider for exchange of
2 criminal justice information among multiple state, federal,
3 and international criminal justice agencies.

4 "(8) NLETS SYSTEM AGENCY or NSA. The agency
5 responsible for the administration of the NLETS network within
6 this state.

7 "(9) OFFENSE. Any act that is a felony, misdemeanor,
8 state violation, municipal ordinance violation, or violation,
9 or an act of delinquency.

10 "(10) SECRETARY. The Secretary of the Alabama State
11 Law Enforcement Agency.

12 "(11) SBI. The State Bureau of Investigation.

13 "(12) USER AGENCY. Any agency or entity that
14 subscribes to, accesses, or views any ALEA information system
15 or service provided under the authority of this article.

16 ~~"(4) COMMISSION. The Alabama Criminal Justice~~
17 ~~Information Center Commission.~~

18 ~~"(5) ACJICC. The Alabama Criminal Justice~~
19 ~~Information Center Commission.~~

20 ~~"(6) ACJIC. The Alabama Criminal Justice Information~~
21 ~~Center.~~

22 ~~"(7) CENTER. The Alabama Criminal Justice~~
23 ~~Information Center.~~

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

26 "§41-9-591.

1 "(a) There is hereby created and established an
2 Alabama ~~Criminal Justice Information Center~~ Commission, which
3 shall ~~establish, develop and continue to operate a center and~~
4 ~~system for the interstate and intrastate accumulation,~~
5 ~~storage, retrieval, analysis and dissemination of vital~~
6 ~~information relating to certain crimes, criminals and criminal~~
7 ~~activity to be known as the Alabama Criminal Justice~~
8 ~~Information Center~~ be the regulatory body to establish policy
9 and procedures for the interstate and intrastate accumulation,
10 storage, retrieval, analysis, and dissemination of information
11 relating to offenses, criminals, and criminal activity
12 collection, and the use of data within the state for criminal
13 investigation and public safety purposes.

14 "(b) Central responsibility for the development,
15 maintenance, operation, and administration of the ~~Alabama~~
16 ~~Criminal Justice Information Center~~ policies and procedures
17 dictated by the commission and legal mandates of this article
18 shall be vested with the ~~Director of the ACJIC under the~~
19 ~~supervision of the Alabama Criminal Justice Information Center~~
20 ~~Commission~~ secretary.

21 "(c) ALEA is designated the CJIS Systems Agency to
22 the FBI CJIS, or its successor, and the NLETS System Agency to
23 NLETS, or its successor. ALEA may enforce all laws, rules, and
24 regulations regarding transmittal, exchange, and retrieval of
25 information with and through these entities. The CJIS Systems
26 Officer, or a designee approved by the secretary, shall serve
27 as the representative to those entities.

1 "§41-9-592.

2 "(a) The commission shall be composed of two
3 sections.

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

6 "(1) ~~the~~ The Secretary of the Alabama State Law
7 Enforcement Agency~~.~~.

8 "(2) ~~the~~ The Attorney General~~.~~.

9 "(3) ~~the~~ The ~~Chairman~~ Chair of the Board of Pardons
10 and Paroles~~.~~.

11 "(4) ~~the~~ The Commissioner of the ~~Board~~ Department of
12 Corrections~~.~~.

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

15 "(6) ~~the~~ The President of the Alabama Association of
16 Chiefs of Police~~.~~.

17 "(7) ~~the~~ The Director of the ~~Alabama Law Enforcement~~
18 ~~Planning Agency,~~ Law Enforcement and Traffic Safety Division
19 within the Alabama Department of Economic and Community
20 Affairs.

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

23 "(9) ~~the~~ The President of the Alabama Circuit
24 Clerks' Association~~.~~.

25 "(10) ~~the~~ The Chief Justice of the Alabama Supreme
26 Court~~.~~.

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

3 "(12) the The President of the Alabama Circuit
4 Judges' Association.

5 "(13) the Governor's Coordinator of Alabama Highway
6 ~~and Traffic Safety and the Director of the Data Systems~~
7 ~~Management Division of the Alabama Department of Finance~~ The
8 Alabama Secretary of Information Technology.

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

10 "(1) the The presiding officer of the Alabama
11 Senate.

12 "(2) the The Speaker of the Alabama House of
13 Representatives.

14 "(3) the The President of the Association of County
15 Commissions of Alabama.

16 "(4) the The President of the Alabama League of
17 Municipalities.

18 "(5) the The Administrative Director of ~~the~~ Courts.

19 "(6) The Executive Director of the Alabama Peace
20 Officers' Standards and Training Commission.

21 "(7) and a A citizen of the State of Alabama, to be
22 appointed by the Governor.

23 "(d) The Any member, ~~shall have authority to select~~
24 except the citizen appointee, may designate in writing a
25 designee based upon qualifications and with a view of
26 continuity of representation and attendance at the commission
27 meetings.

1 "e) No person or individual shall continue to serve
2 on the commission when he or she no longer officially
3 represents the function or serves in the capacity enumerated
4 in this section as a member to which he or she was elected or
5 appointed.

6 "§41-9-593.

7 "a) The commission shall, ~~upon its first meeting,~~
8 elect from its membership a ~~chairman~~ chair and a ~~vice-chairman~~
9 vice-chair at the October meeting who shall serve for a period
10 of one year beginning the following year on January 1. The
11 ~~vice-chairman~~ vice-chair shall act in the place of the
12 ~~chairman~~ chair in his or her absence or disability. ~~Commencing~~
13 ~~October 1, 2014, the Secretary of the Alabama State Law~~
14 ~~Enforcement Agency shall serve as chairman of the commission~~
15 If a new chair and vice-chair are not elected at the October
16 meeting, the current chair and vice-chair shall remain in
17 place until successors are elected at the next meeting.

18 "b) The commission shall meet at such times as
19 designated by the commission or by the ~~chairman~~ chair at the
20 state capital or at other places as is deemed necessary or
21 convenient, but the ~~chairman~~ chair of the commission ~~must~~
22 shall call a meeting four times a year at the state capital or
23 main location of ~~the ACJIC~~ ALEA in the months of January,
24 April, July, and October. The ~~chairman~~ chair of the commission
25 may also call a special meeting of the commission at any time
26 he or she deems it advisable or necessary. A quorum shall be a
27 simple majority of the voting commission membership or their

1 designees and all matters coming before the commission shall
2 be voted on by the commission.

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

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

10 "§41-9-594.

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

14 "(b) The commission shall ~~ensure that: The~~ establish
15 rules and policies that will restrict the information obtained
16 under authority of this article ~~is restricted~~ to the items
17 germane to the implementation of this article; ~~the Alabama~~
18 ~~Criminal Justice Information Center (ACJIC) is administered so~~
19 ~~as not to accumulate or distribute any information not~~
20 ~~required by this article; and adequate safeguards are~~
21 ~~incorporated so that data available through this system is~~
22 used and restrict the use of information only by properly to
23 authorized persons and agencies.

24 "~~(b)~~ (c) The chair of the commission shall appoint a
25 Privacy and Security Committee from the membership of the
26 commission who are elected officials, or their designees,
27 consisting of a chair and three members, to study the privacy

1 and security implications of sharing criminal justice
2 information and to formulate policy recommendations for
3 consideration by the commission concerning the collection,
4 storage, dissemination, or usage of criminal justice
5 information.

6 ~~"(c)~~ (d) The commission may adopt rules and policies
7 regarding the collection, storage, and dissemination of ~~arrest~~
8 ~~and criminal history~~ criminal justice information that conform
9 to the policies of the ~~National Crime Information Center of~~
10 ~~the Federal Bureau of Investigation~~ FBI CJIS. The ~~ACJIC~~ may
11 ~~supply employee criminal records as provided in subsection (a)~~
12 commission may adopt rules and policies that permit ALEA to
13 perform background checks for noncriminal justice purposes and
14 may provide for the procedure for obtaining the records
15 including, but not limited to, charging a ~~twenty-five dollar~~
16 ~~(\$25)~~ fee not to exceed twenty-five dollars (\$25) for securing
17 records through ~~the ACJIC system~~ ALEA. All fees shall be
18 deposited into the State Treasury to the credit of the Public
19 Safety Fund and shall be used to cover the expenses for
20 improving criminal history records and the state repository at
21 ALEA.

22 ~~"(d)~~ (e) Any rule, ~~regulation,~~ or policy of the
23 commission to the contrary notwithstanding, the police
24 department of any college or university in this state which
25 offers medical, nursing, and health care education, or which
26 operates a hospital, ~~including, but not limited to, the~~
27 ~~University of Alabama in Birmingham and the University of~~

1 ~~South Alabama, and excluding the University of Alabama in~~
2 ~~Tuscaloosa~~ may request from ~~the ACJIC~~ ALEA a criminal
3 background check on any person who applies for employment with
4 the college or university, and ALEA may charge a background
5 search fee of up to twenty-five dollars (\$25) from each
6 applicant for each search conducted on the applicant. All fee
7 proceeds from the background check fee shall be deposited in
8 the State Treasury to the credit of the ~~Criminal Justice~~
9 ~~Information System Automation Fund~~ and shall be expended for
10 ~~any purposes for which the ACJIC is authorized to expend funds~~
11 ~~appropriated to that department~~ Public Safety Fund and shall
12 be used to cover expenses for improving criminal history
13 records and the state repository at ALEA.

14 "(f) The commission may establish a fee schedule for
15 any services rendered by ALEA under the authority of this
16 article. All fees shall be deposited into the State Treasury
17 to the credit of the Public Safety Fund and shall be used to
18 support, develop, maintain, and promote operations as
19 authorized in this article.

20 "§41-9-595.

21 "(a) The ~~commission~~ secretary shall appoint a
22 director and a deputy director for the Alabama Criminal
23 Justice Information Center division head who shall be
24 responsible for the development, maintenance, and operation of
25 the ~~ACJIC~~ duties of ALEA as required by the terms of this
26 article and the implementation and operation of policies,
27 programs, and procedures established by the commission under

1 the limitations of this article. The qualifications of the
2 ~~director and deputy director~~ division head shall be determined
3 by the State Personnel Department and the position shall be a
4 merit position.

5 "(b) The secretary shall designate an employee
6 within ALEA as the CJIS Systems Officer who is the liaison to
7 the Federal Bureau of Investigation CJIS Division and is
8 responsible for the administration of the federal and state
9 CJIS security policies on behalf of the state.

10 "§41-9-596.

11 "The ~~director~~ secretary shall maintain the necessary
12 staff along with support services necessary to enable the
13 effective and efficient performance of the duties and
14 responsibilities ascribed to ~~the ACJIC~~ ALEA in this article
15 ~~under the supervision of the commission.~~

16 "§41-9-598.

17 "The process for appeals by an individual or
18 governmental body of any rules and ~~regulations promulgated~~
19 policies adopted by the commission shall first be to the
20 commission ~~proper~~. The appellant may present his or her
21 argument at a regular meeting of the commission requesting the
22 alteration or suggesting the nonapplicability of a particular
23 rule ~~and/or regulation~~ or policy. If the appellant is not
24 satisfied by the action of the commission, then an appeal may
25 be made to the circuit court in Montgomery County.

26 "§41-9-601.

1 "Any person who willfully requests, obtains, or
2 seeks to obtain criminal offender record information under
3 false pretenses or who willfully communicates or seeks to
4 communicate criminal offender record information to any agency
5 or person except in accordance with this article, or any
6 member, officer, employee, or agent of ~~the ACJICC~~ AJIC, ~~the~~
7 ~~ACJIC~~ ALEA, or any participating agency who willfully
8 falsifies criminal offender record information or any related
9 records ~~relating thereto~~ shall, for each offense, be fined not
10 less than ~~\$5,000.00~~ five thousand dollars (\$5,000) nor more
11 than ~~\$10,000.00~~ ten thousand dollars (\$10,000) or imprisoned
12 in the state penitentiary for not more than five years or
13 both.

14 "§41-9-621.

15 "The commission, acting through the ~~Director of the~~
16 ~~Alabama Criminal Justice Information Center~~ secretary, shall
17 do all of the following:

18 "(1) Develop, operate, and maintain ~~an~~ information
19 ~~system which~~ systems that will support the collection,
20 storage, retrieval, analysis, and dissemination of ~~all crime~~
21 ~~and offender data described in this article~~ criminal justice
22 information, other data, as determined by the commission, that
23 will aid crime fighting and public safety, including, but not
24 limited to, data from license plate readers, biometrics and
25 geospatial information, and data from any other, as determined
26 by the commission, automated-data collection systems operated
27 by criminal justice agencies consistent with those principles

1 of scope, security, and responsiveness prescribed by this
2 article~~7~~. The commission may adopt rules and policies
3 regarding the collection, use, storage, dissemination, and
4 transmittal to ALEA of this information by criminal justice
5 agencies within the state. The information in these systems is
6 privileged, not public record, and subject to the same
7 criminal penalties for misuse as provided in Sections 41-9-601
8 and 41-9-602.

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

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

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

1 procedure~~7.~~ ~~wherein must be demonstrated~~ A governmental agency
2 must demonstrate a need to know, the intent of any analyses
3 and dissemination of such analyses, and shall be subject to
4 any security provisions deemed necessary by the commission~~7.~~

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~~7.~~

12 "(6) Make available, upon request, to all criminal
13 justice agencies in this state, to all federal criminal
14 justice and criminal identification agencies~~,~~ and to state
15 criminal justice and criminal identification agencies in other
16 states~~,~~ any information in the files of ~~the ACJIC which~~ ALEA
17 that will aid these agencies in crime fighting and public
18 safety; for this purpose the ACJIC ALEA shall operate 24 hours
19 per day, seven days per week~~7.~~ The commission may adopt rules
20 and policies to share criminal justice information with
21 international criminal justice agencies.

22 "(7) Cooperate with other agencies of this state,
23 the crime information agencies of other states~~,~~ and the
24 uniform crime reports and national crime information center
25 systems of the Federal Bureau of Investigation or any entity
26 designated by the federal government as the central
27 clearinghouse for criminal justice information systems in

1 developing and conducting an interstate, national, and
2 international system of criminal identification, records and
3 statistics.

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

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

19 "(10) Designate in writing agents or employees of
20 ~~the ACJIC~~ ALEA who shall be and are hereby constituted ~~peace~~
21 law enforcement officers of the State of Alabama with full and
22 unlimited police power and jurisdiction to enforce the laws of
23 this state pertaining to the operation and administration of
24 the ~~Alabama Criminal Justice Information System~~ information
25 systems regulated through the authority of the commission and
26 the storage, use, and dissemination of information processed
27 therein.

1 "(11) a. Establish guidelines for violations of data
2 reporting or unlawful dissemination.

3 "b. The measures established may include, but are
4 not limited to any of the following:

5 "1. Suspension of access to ALEA information systems
6 pending investigation.

7 "2. Temporary or permanent suspension of access to
8 ALEA information systems if it is determined a violation
9 occurred.

10 "3. Implementation of a user agency's administrative
11 sanction.

12 "4. Pursuance of prosecution for misuse of
13 information.

14 "5. Denial of access if convicted of any criminal
15 offense.

16 "c. For the purpose of this section, the commission
17 and ALEA shall be exempt from Sections 41-22-12 through
18 41-22-21, inclusive.

19 "§41-9-623.

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

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

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

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

12 "(c) The Administrative Director of Courts or the
13 chief administrative officer of any other entity charged with
14 the compilation of information and statistics pertaining to
15 the disposition of criminal, youthful offender, and juvenile
16 cases shall report the disposition to ALEA within a reasonable
17 time after formal rendition of judgment as prescribed by the
18 commission.

19 "§41-9-625.

20 "(a) All persons in this state in charge of law
21 enforcement and ~~correction~~ correctional agencies shall obtain
22 or cause to be obtained the biometric identifiers, which may
23 include fingerprints, photographs, palm prints, retina scans,
24 or other identifiers specified by the FBI, according to the
25 fingerprint system of biometric identification system at ALEA
26 and the rules established by the commission, ~~full face and~~
27 profile photographs, if photo equipment is available, and

1 ~~other identifying data of each person arrested for an offense~~
2 ~~of a type designated in Section 41-9-622,~~ of all persons
3 arrested or taken into custody as fugitives from justice, and
4 of all unidentified human corpses in their jurisdictions, ~~but~~
5 ~~photographs need not be taken if it is known that photographs~~
6 ~~of the type listed taken within the previous year are on file.~~
7 ~~Fingerprints and other identifying data of persons arrested~~
8 ~~for offenses other than those designated in this article may~~
9 ~~be taken at the discretion of the agency concerned.~~ All
10 biometric identifiers collected according to this section
11 shall be provided to ALEA according to the rules of the
12 commission.

13 "(b) If any person arrested or taken into custody is
14 subsequently released without charge or cleared of the offense
15 through criminal justice proceedings, ~~such~~ the disposition
16 shall be reported by all state, county, and municipal criminal
17 justice agencies to ~~ACJIC~~ ALEA within 30 days of such action,
18 and all ~~such~~ information shall be eliminated and removed.

19 "§41-9-627.

20 "(a) All persons in this state in charge of criminal
21 justice agencies shall submit to ~~the ACJIC by forwarding to~~
22 ~~the Alabama Department of Public Safety~~ ALEA detailed
23 descriptions of arrest warrants and related identifying data
24 immediately upon determination of the fact that the warrant
25 cannot be served for the reasons stated.

26 "(b) If the warrant is subsequently served or
27 withdrawn, the criminal justice agency concerned must

1 immediately notify ~~the ACJIC~~ ALEA of ~~such the~~ service or
2 withdrawal.

3 "(c) The agency concerned also must annually, no
4 later than January 31 of each year and at other times if
5 requested by the commission, confirm to ~~the ACJIC~~ ALEA all
6 arrest warrants of this type which continue to be outstanding.

7 "§41-9-628.

8 "(a) All persons in charge of ~~state penal and~~
9 ~~correctional institutions~~ penal operations under the authority
10 of the Department of Corrections shall obtain biometric
11 identifiers, which may include fingerprints, photographs, palm
12 prints, retina scans, or other identifiers specified by the
13 FBI, according to the fingerprint biometric identification
14 system of identification at ALEA and the rules established by
15 the commission, ~~and full face and profile photographs~~ of all
16 persons received on commitment to these institutions. ~~The~~
17 ~~prints so taken shall be forwarded to the ACJIC by forwarding~~
18 ~~to the Alabama Department of Public Safety together with any~~
19 ~~other identifying data requested~~ All biometric identifiers
20 collected according to this section shall be provided to ALEA
21 according to the rules of the commission within 10 days after
22 the arrival at the institution of the person committed.

23 "(b) At the time of release, the institution ~~will~~
24 shall again obtain fingerprints ~~as before~~ or other biometric
25 identifiers as determined by the commission and forward them
26 to ~~ACJIC~~ ALEA within 10 days ~~along with any other related~~
27 ~~information requested by the commission.~~ Immediately upon

1 release, the institution shall notify ~~ACJIC~~ ALEA of the
2 release of such person.

3 "§41-9-630.

4 "(a) All persons in charge of criminal justice
5 agencies in this state shall furnish ~~the ACJIC~~ ALEA with any
6 other identifying data required in accordance with guidelines
7 established by ~~the ACJIC~~ the commission.

8 "(b) All criminal justice agencies in this state
9 having criminal identification files shall cooperate in
10 providing to ~~ACJIC~~ ALEA information in ~~such~~ the files ~~as will~~
11 to aid in establishing the nucleus of the state criminal
12 identification file.

13 "§41-9-631.

14 "(a) All criminal justice agencies within the state
15 shall submit to ~~the ACJIC~~ ALEA periodically, at a time and in
16 such a form as prescribed by the commission, information
17 regarding only the cases within its jurisdiction. ~~Said~~ The
18 report shall be known as the "Alabama uniform crime report"
19 and shall include crimes reported and otherwise processed
20 during the reporting period.

21 "~~Said~~ The report shall contain the number and nature
22 of offenses committed, the disposition of ~~such~~ offenses and
23 ~~such~~ other information as the commission shall specify
24 relating to the method, frequency, cause, and prevention of
25 crime.

26 "§41-9-632.

1 "Any governmental agency ~~which~~ that is not included
2 within the description of those departments and agencies
3 required to submit the uniform crime report which desires to
4 submit such a report shall be furnished with the proper forms
5 by ~~the ACJIC~~ ALEA. When a report is received by ~~ACJIC~~ ALEA
6 from a governmental agency not required to make ~~such~~ a report,
7 the information contained therein shall be included within the
8 periodic compilation provided for in this article.

9 "§41-9-633.

10 "All criminal justice agencies within the state
11 shall report to ~~the ACJIC~~ ALEA, in a time and manner
12 prescribed by the commission, all persons wanted by and all
13 vehicles and property stolen from their jurisdictions. The
14 reports shall be made as soon as is ~~practical~~ practicable
15 after the investigating department or agency either ~~ascertains~~
16 ~~that~~ determines a vehicle or identifiable property has been
17 stolen, or obtains a warrant for an individual's arrest, or
18 determines that there are reasonable grounds to believe that
19 the individual has committed the crime. In no event shall this
20 time exceed 12 hours after the reporting department or agency
21 determines that it has grounds to believe that a vehicle or
22 property was stolen or that the wanted person should be
23 arrested. The commission ~~shall have authority to~~ may institute
24 any and all procedures necessary to trace and complete the
25 investigative cycles of stolen vehicles or wanted persons.

26 "§41-9-634.

1 "If it is determined by the reporting agency that a
2 person is no longer wanted due to his or her apprehension or
3 any other factor, or when a vehicle or property reported
4 stolen is recovered, the determining agency shall ~~notify~~
5 immediately ~~the Alabama Criminal Justice Information Center~~
6 notify ALEA. ~~Furthermore, if~~ If the agency making ~~such the~~
7 apprehension or recovery is other than the one which made the
8 original wanted or stolen report, then it shall ~~notify~~
9 immediately notify the originating agency of the full
10 particulars relating to ~~such the~~ apprehension or recovery.

11 "§41-9-635.

12 "All probation and parole officers shall supply ~~the~~
13 ~~ACJIC~~ ALEA with ~~the~~ information on delinquent parolees
14 required by this article in a time and manner prescribed by
15 the commission.

16 "§41-9-637.

17 "Pertinent identifying data and historical criminal
18 information may be obtained and disseminated on any person
19 confined to any workhouse, jail, reformatory, prison,
20 penitentiary ~~or,~~ other penal institution, community
21 corrections, or in custody pursuant to Section 15-18-8, having
22 been convicted of ~~any an~~ an offense ~~described in Section~~
23 ~~41-9-622~~.

24 "§41-9-643.

25 "~~The center~~ ALEA shall make a person's criminal
26 records available for inspection to him or her or his or her
27 attorney upon written application to the commission. Forms,

1 procedures, identification, and other related aspects
2 pertinent to ~~such the~~ access may be prescribed by the
3 commission in providing access to ~~such the~~ records and
4 information.

5 "§41-9-645.

6 "(a) If an individual believes ~~such~~ information ~~to~~
7 ~~be~~ is inaccurate or incomplete, he or she may request the
8 original agency having custody or control of the detail
9 records to purge, modify, or supplement them and to ~~so~~ notify
10 ~~the ACJIC SBI of~~ such the changes.

11 "(b) ~~Should~~ If the agency ~~decline~~ declines to ~~so~~ act
12 or ~~should~~ if the individual ~~believe~~ believes the agency's
13 decision ~~to be otherwise~~ is unsatisfactory, the individual or
14 his or her attorney may, within 30 days of ~~such the~~ decision
15 and with notice to the agency, enter an appeal to the circuit
16 court of the county of his or her residence or to the circuit
17 court in the county where ~~such the~~ agency exists, ~~with notice~~
18 ~~to the agency, pursuant to acquiring an order by such court~~
19 ~~that the subject information be expunged, modified or~~
20 ~~supplemented by the agency of record.~~ The court in each ~~such~~
21 case shall conduct a de novo hearing and may order ~~such~~ relief
22 as it finds to be required by law. ~~Such appeals~~ Appeals shall
23 be entered in the same manner as appeals are entered from the
24 court of probate; except, that the appellant shall not be
25 required to post bond nor pay the costs in advance. If the
26 ~~aggrieved person~~ appellant desires, the appeal may be heard by
27 the judge at the first term or in chambers. A notice sent by

1 registered or certified mail shall be sufficient service on
2 the agency of disputed record that such appeal has been
3 entered.

4 "The party found to be in error shall assume all
5 costs involved.

6 "§41-9-646.

7 "Should the record in question be found to be
8 inaccurate, incomplete, or misleading, the court shall order
9 it to be appropriately purged, modified, or supplemented by an
10 explanatory notation. Each agency or individual in the state
11 with custody, possession, or control of any ~~such~~ record shall
12 promptly ~~cause each and every copy thereof in his custody,~~
13 ~~possession or control to be altered in accordance with a court~~
14 ~~order~~ alter every copy in its custody, possession, or control
15 in accordance with a court order. Notification of each ~~such~~
16 deletion, amendment, and supplementary notation shall be
17 promptly disseminated to any individuals or agencies to which
18 the records in question have been communicated, including ~~the~~
19 ~~ACJIC, as well as~~ ALEA and to the individual whose records
20 have been ordered ~~to~~ to be altered.

21 "§41-9-649.

22 "All transfers or purchases of firearms conducted by
23 a licensed importer, licensed manufacturer, or licensed dealer
24 shall be subject to the National Instant Criminal Background
25 Check System (NICS) created by the federal "Brady Handgun
26 Violence Prevention Act" (P.L. No. 103-159), the relevant
27 portion of which is codified at 18 U.S.C. §922 (t). To the

1 extent possible, all information from any state or local
2 government agency that is necessary to complete an NICS check
3 shall be provided to ~~the Criminal Justice Information Center~~
4 ALEA. The ~~Criminal Justice Information Center Commission~~
5 commission shall ~~promulgate~~ adopt rules and ~~regulations~~
6 policies necessary to implement a complete NICS check. The
7 commission shall also ensure that all information received
8 shall be used solely for the purposes of compliance with NICS
9 and every effort is made to protect the privacy of this
10 information. ~~All~~ Prior to the adoption of rules pursuant to
11 this section, all proposed rules shall go through the privacy
12 and security committee of the commission which shall seek
13 consultation from the President of the Probate Judges'
14 Association and the Commissioner of the Department of Mental
15 Health and consumer advocates as recommended by the
16 commissioner."

17 Section 2. Sections 41-9-650, 41-9-651, and 41-9-652
18 are added to Division 2 of Article 23 of the Code of Alabama
19 1975, to read as follows:

20 §41-9-650.

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

1 procedures of the commission for the use of the background
2 check.

3 §41-9-651.

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

9 §41-6-652.

10 (a) The Legislature approves and ratifies the
11 National Child Protection Act of 1993, 42 USC §5119-5119(c),
12 as amended, in order to facilitate the authorized interstate
13 exchange of criminal history information for noncriminal
14 justice purposes, including, but not limited to, background
15 checks for the licensing and screening of employees and
16 volunteers. The secretary shall execute the compact on behalf
17 of the state. The secretary may delay the initial execution of
18 the compact until funding is secured to establish the
19 procedures and hire the necessary staff or contract for
20 services to fulfill the requirements and responsibilities of
21 this compact.

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

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

1 establish procedures for the cooperative exchange of criminal
2 history records between the state and federal governments for
3 use in noncriminal justice cases.

4 (d) The ratification by the state of the compact
5 remains in effect until further action of the Legislature.

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 State Treasury to the credit of the Public
14 Safety Fund and shall be used to cover expenses for improving
15 criminal history records and the state repository at ALEA.

16 Section 3. Nothing in this act shall be interpreted
17 to impair, or grant the authority to impair, a citizen's
18 access to records currently considered open to public
19 inspection under Section 36-12-40, Code of Alabama 1975, nor
20 any record which is open for public inspection under Section
21 36-12-40, Code of Alabama 1975, from sources other than an
22 information system developed, operated, or maintained under
23 Section 41-9-621, Code of Alabama 1975. All records from an
24 information system developed, operated, or maintained under
25 Section 41-9-621, Code of Alabama 1975, shall be deemed
26 privileged.

1 Section 4. Section 41-9-597, Code of Alabama 1975,
2 relating to employment; Section 41-9-599, Code of Alabama
3 1975, relating to request for funds; Section 41-9-622, Code of
4 Alabama 1975, relating to maintenance of historical criminal
5 data; Section 41-9-629, Code of Alabama 1975, relating to
6 forwarding of data; and Section 41-9-648, Code of Alabama
7 1975, relating to compilation of information and statistics,
8 are repealed.

9 Section 5. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 6. This act shall become effective 90 days
18 following its passage and approval by the Governor, or its
19 otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 02-MAY-19

Read for the second time and placed
on the calendar 2 amendments 14-MAY-19

Read for the third time and passed
as amended..... 23-MAY-19

Yeas 98, Nays 1, Abstains 2

Jeff Woodard
Clerk