

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

1  
2 ENROLLED, An Act,

3 Relating to the Alabama Justice Information

4 Commission; to amend 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, to provide for technical revisions; to create reforming  
10 changes to reflect current terminology; to clarify the  
11 operation, powers, and duties of the Alabama Justice  
12 Information Commission; to add Sections 41-9-650, 41-9-651,  
13 and 41-9-652 to the Code of Alabama 1975, to authorize ALEA to  
14 execute and implement the National Crime Prevention and  
15 Privacy Compact; and to authorize ALEA to charge a fee for  
16 criminal background checks subject to certain limitations; to  
17 repeal Sections 41-9-597, 41-9-599, 41-9-622, 41-9-629, and  
18 41-9-648 of the Code of Alabama 1975; and in connection  
19 therewith would have as its purpose or effect the requirement  
20 of a new or increased expenditure of local funds within the  
21 meaning of Amendment 621 of the Constitution of Alabama 1901,  
22 now appearing as Section 111.05 of the Official Recompilation  
23 of the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 41-9-590, 41-9-591, 41-9-592,  
 2           41-9-593, 41-9-594, 41-9-595, 41-9-596, 41-9-598, 41-9-601,  
 3           41-9-621, 41-9-623, 41-9-625, 41-9-627, 41-9-628, 41-9-630,  
 4           41-9-631, 41-9-632, 41-9-633, 41-9-634, 41-9-635, 41-9-637,  
 5           41-9-643, 41-9-645, 41-9-646, and 41-9-649, Code of Alabama  
 6           1975, are amended to read as follows:

7           "§41-9-590.

8           "When used in this article, the following terms  
 9           shall have the following meanings, respectively, unless the  
 10          context clearly indicates a different meaning:

11          "(1) AJIC or COMMISSION. The Alabama Justice  
 12          Information Commission.

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

14          "~~(1)~~ (3) CRIMINAL JUSTICE AGENCIES. Such term shall  
 15          ~~include those~~ Federal, state, local, and tribal public  
 16          agencies ~~at all levels of government which~~ that perform ~~as~~  
 17          ~~their principal function~~ substantial activities or planning  
 18          for ~~such~~ activities relating to the identification,  
 19          apprehension, prosecution, adjudication or rehabilitation of  
 20          civil, traffic, and criminal offenders.

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

23          "(4) CRIMINAL JUSTICE INFORMATION. Data necessary  
 24          for criminal justice agencies to perform their duties and  
 25          enforce existing law. This term includes, but is not limited

1 ~~to, biometric, identity history, person, organization,~~  
 2 ~~property, when accompanied by any personally identifiable~~  
 3 ~~information, and case/incident history data, and any other~~  
 4 ~~data deemed criminal justice information by the FBI CJIS~~  
 5 ~~Security Policy. The term also includes ALEA provided or FBI~~  
 6 ~~CJIS provided data necessary to make hiring decisions.~~

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

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

22 "(6) INFORMATION SYSTEM. A system of people, data,  
 23 and processes, whether manual or automated, established for  
 24 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.~~

1                   "§41-9-591.

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

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

22                   "(c) ALEA is designated the CJIS Systems Agency to  
 23 the FBI CJIS, or its successor, and the NLETS System Agency to  
 24 NLETS, or its successor. ALEA may enforce all laws, rules, and  
 25 regulations regarding transmittal, exchange, and retrieval of

1 information with and through these entities. The CJIS Systems  
 2 Officer, or a designee approved by the secretary, shall serve  
 3 as the representative to those entities.

4 "§41-9-592.

5 "(a) The commission shall be composed of two  
 6 sections.

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

9 "(1) ~~the~~ The Secretary of the Alabama State Law  
 10 Enforcement Agency~~.~~

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

12 "(3) ~~the~~ The ~~Chairman~~ Chair of the Board of Pardons  
 13 and Paroles~~.~~

14 "(4) ~~the~~ The Commissioner of the ~~Board~~ Department of  
 15 Corrections~~.~~

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

18 "(6) ~~the~~ The President of the Alabama Association of  
 19 Chiefs of Police~~.~~

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

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

1           "(9) the The President of the Alabama Circuit  
2 Clerks' Association7.

3           "(10) the The Chief Justice of the Alabama Supreme  
4 Court7.

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

7           "(12) the The President of the Alabama Circuit  
8 Judges' Association7.

9           "(13) the Governor's Coordinator of Alabama Highway  
10 ~~and Traffic Safety and the Director of the Data Systems~~  
11 ~~Management Division of the Alabama Department of Finance~~ The  
12 Alabama Secretary of Information Technology.

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

14           "(1) the The presiding officer of the Alabama  
15 Senate7.

16           "(2) the The Speaker of the Alabama House of  
17 Representatives7.

18           "(3) the The President of the Association of County  
19 Commissions of Alabama7.

20           "(4) the The President of the Alabama League of  
21 Municipalities7.

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

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

1           "(7) ~~and a~~ A citizen of the State of Alabama, to be  
2 appointed by the Governor.

3           "(d) ~~The~~ Any member, ~~shall have authority to select~~  
4 except the citizen appointee, may designate in writing a  
5 designee based upon qualifications and with a view of  
6 continuity of representation and attendance at the commission  
7 meetings.

8           "(e) No person or individual shall continue to serve  
9 on the commission when he or she no longer officially  
10 represents the function or serves in the capacity enumerated  
11 in this section as a member to which he or she was elected or  
12 appointed.

13           "§41-9-593.

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

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

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

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

20           "§41-9-594.

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

24           "(b) The commission shall ~~ensure that: The~~ establish  
25 rules and policies that will restrict the information obtained

1 under authority of this article ~~is restricted~~ to the items  
2 germane to the implementation of this article; ~~the Alabama~~  
3 ~~Criminal Justice Information Center (ACJIC) is administered so~~  
4 ~~as not to accumulate or distribute any information not~~  
5 ~~required by this article; and adequate safeguards are~~  
6 ~~incorporated so that data available through this system is~~  
7 ~~used~~ and restrict the use of information only by properly to  
8 authorized persons and agencies.

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

18           "~~(c)~~ (d) The commission may adopt rules and policies  
19 regarding the collection, storage, and dissemination of ~~arrest~~  
20 ~~and criminal history~~ criminal justice information that conform  
21 to the policies of the ~~National Crime Information Center of~~  
22 ~~the Federal Bureau of Investigation~~ FBI CJIS. The ACJIC may  
23 ~~supply employee criminal records as provided in subsection (a)~~  
24 commission may adopt rules and policies that permit ALEA to  
25 perform background checks for noncriminal justice purposes and

1 may provide for the procedure for obtaining the records  
2 including, but not limited to, charging a ~~twenty-five dollar~~  
3 ~~(\$25)~~ fee not to exceed twenty-five dollars (\$25) for securing  
4 records through ~~the ACJIC system~~ ALEA. All fees shall be  
5 deposited into the State Treasury to the credit of the Public  
6 Safety Fund and shall be used to cover the expenses for  
7 improving criminal history records and the state repository at  
8 ALEA.

9           "~~(d)~~ (e) Any rule, ~~regulation,~~ or policy of the  
10 commission to the contrary notwithstanding, the police  
11 department of any college or university in this state which  
12 offers medical, nursing, and health care education, or which  
13 operates a hospital, ~~including, but not limited to, the~~  
14 ~~University of Alabama in Birmingham and the University of~~  
15 ~~South Alabama, and excluding the University of Alabama in~~  
16 ~~Tuscaloosa~~ may request from ~~the ACJIC~~ ALEA a criminal  
17 background check on any person who applies for employment with  
18 the college or university, and ALEA may charge a background  
19 search fee of up to twenty-five dollars (\$25) from each  
20 applicant for each search conducted on the applicant. All fee  
21 proceeds from the background check fee shall be deposited in  
22 the State Treasury to the credit of the ~~Criminal Justice~~  
23 ~~Information System Automation Fund and shall be expended for~~  
24 ~~any purposes for which the ACJIC is authorized to expend funds~~  
25 ~~appropriated to that department~~ Public Safety Fund and shall

1 be used to cover expenses for improving criminal history  
2 records and the state repository at ALEA.

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

9 "§41-9-595.

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

21 "(b) The secretary shall designate an employee  
22 within ALEA as the CJIS Systems Officer who is the liaison to  
23 the Federal Bureau of Investigation CJIS Division and is  
24 responsible for the administration of the federal and state  
25 CJIS security policies on behalf of the state.

1           "§41-9-596.

2           "The ~~director~~ secretary shall maintain the necessary  
3 staff along with support services necessary to enable the  
4 effective and efficient performance of the duties and  
5 responsibilities ascribed to ~~the ACJIC~~ ALEA in this article  
6 ~~under the supervision of the commission.~~

7           "§41-9-598.

8           "The process for appeals by an individual or  
9 governmental body of any rules and ~~regulations promulgated~~  
10 policies adopted by the commission shall first be to the  
11 commission ~~proper~~. The appellant may present his or her  
12 argument at a regular meeting of the commission requesting the  
13 alteration or suggesting the nonapplicability of a particular  
14 rule ~~and/or regulation~~ or policy. If the appellant is not  
15 satisfied by the action of the commission, then an appeal may  
16 be made to the circuit court in Montgomery County.

17           "§41-9-601.

18           "Any person who willfully requests, obtains, or  
19 seeks to obtain criminal offender record information under  
20 false pretenses or who willfully communicates or seeks to  
21 communicate criminal offender record information to any agency  
22 or person except in accordance with this article, or any  
23 member, officer, employee, or agent of ~~the ACJIC~~ AJIC, ~~the~~  
24 ~~ACJIC~~ ALEA, or any participating agency who willfully  
25 falsifies criminal offender record information or any related

1 records ~~relating thereto~~ shall, for each offense, be fined not  
2 less than ~~\$5,000.00~~ five thousand dollars (\$5,000) nor more  
3 than ~~\$10,000.00~~ ten thousand dollars (\$10,000) or imprisoned  
4 in the state penitentiary for not more than five years or  
5 both.

6 "§41-9-621.

7 "The commission, acting through the ~~Director of the~~  
8 ~~Alabama Criminal Justice Information Center~~ secretary, shall  
9 do all of the following:

10 "(1) Develop, operate, and maintain an information  
11 ~~system which~~ systems that will support the collection,  
12 storage, retrieval, analysis, and dissemination of all crime  
13 ~~and offender data described in this article~~ criminal justice  
14 information, other data, as determined by the commission, that  
15 will aid crime fighting and public safety, including, but not  
16 limited to, data from license plate readers, biometrics and  
17 geospatial information, and data from any other, as determined  
18 by the commission, automated-data collection systems operated  
19 by criminal justice agencies consistent with those principles  
20 of scope, security, and responsiveness prescribed by this  
21 article. The commission may adopt rules and policies  
22 regarding the collection, use, storage, dissemination, and  
23 transmittal to ALEA of this information by criminal justice  
24 agencies within the state. The information in these systems is  
25 privileged, not public record, and subject to the same

1 criminal penalties for misuse as provided in Sections 41-9-601  
2 and 41-9-602.

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

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

11 "(4) Compile statistics on the nature and extent of  
12 crime in Alabama and compile data for planning and operating  
13 criminal justice agencies; provided, ~~that such~~ the statistics  
14 shall not identify persons. The commission shall make  
15 available all ~~such~~ statistical information obtained to the  
16 Governor, the Legislature, the judiciary, and any such other  
17 governmental agencies whose primary responsibilities include  
18 the planning, development, or execution of crime reduction  
19 programs. Access to ~~such~~ information by ~~such~~ governmental  
20 agencies shall be on an individual written request basis or in  
21 accordance with the commission-approved operational  
22 procedure~~7~~. ~~wherein must be demonstrated~~ A governmental agency  
23 must demonstrate a need to know, the intent of any analyses  
24 and dissemination of such analyses, and shall be subject to  
25 any security provisions deemed necessary by the commission~~7~~.

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

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

18           "(7) Cooperate with other agencies of this state,  
19 the crime information agencies of other states~~7~~ and the  
20 uniform crime reports and national crime information center  
21 systems of the Federal Bureau of Investigation or any entity  
22 designated by the federal government as the central  
23 clearinghouse for criminal justice information systems in  
24 developing and conducting an interstate, national~~7~~ and

1 international system of criminal identification, records and  
2 statistics~~7.~~

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

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

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

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

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

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

7 "1. Suspension of access to ALEA information systems  
8 pending investigation.

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

12 "3. Implementation of a user agency's administrative  
13 sanction.

14 "4. Pursuance of prosecution for misuse of  
15 information.

16 "5. Denial of access if convicted of any criminal  
17 offense.

18 "c. For the purpose of this section, the commission  
19 and ALEA shall be exempt from Sections 41-22-12 through  
20 41-22-21, inclusive.

21 "§41-9-623.

22 "(a) All criminal justice agencies within the state  
23 shall submit to the ACJIC, by forwarding to the Alabama  
24 Department of Public Safety ALEA, fingerprints, descriptions,

1 photographs, ~~when specifically requested,~~ and other  
2 identifying data on the following persons:

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

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

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

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

24 "§41-9-625.

1           "(a) All persons in this state in charge of law  
2 enforcement and ~~correction~~ correctional agencies shall obtain  
3 ~~or cause to be obtained the~~ biometric identifiers, which may  
4 include fingerprints, photographs, palm prints, retina scans,  
5 or other identifiers specified by the FBI, according to the  
6 ~~fingerprint system of~~ biometric identification system at ALEA  
7 and the rules established by the commission, ~~full face and~~  
8 ~~profile photographs, if photo equipment is available, and~~  
9 ~~other identifying data of each person arrested for an offense~~  
10 ~~of a type designated in Section 41-9-622,~~ of all persons  
11 arrested or taken into custody as fugitives from justice, and  
12 of all unidentified human corpses in their jurisdictions, ~~but~~  
13 ~~photographs need not be taken if it is known that photographs~~  
14 ~~of the type listed taken within the previous year are on file.~~  
15 ~~Fingerprints and other identifying data of persons arrested~~  
16 ~~for offenses other than those designated in this article may~~  
17 ~~be taken at the discretion of the agency concerned.~~ All  
18 biometric identifiers collected according to this section  
19 shall be provided to ALEA according to the rules of the  
20 commission.

21           "(b) If any person arrested or taken into custody is  
22 subsequently released without charge or cleared of the offense  
23 through criminal justice proceedings, ~~such~~ the disposition  
24 shall be reported by all state, county, and municipal criminal

1 justice agencies to ~~ACJIC~~ ALEA within 30 days of such action,  
2 and all ~~such~~ information shall be eliminated and removed.

3 "§41-9-627.

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

10 "(b) If the warrant is subsequently served or  
11 withdrawn, the criminal justice agency concerned must  
12 immediately notify ~~the ACJIC~~ ALEA of ~~such~~ the service or  
13 withdrawal.

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

18 "§41-9-628.

19 "(a) All persons in charge of ~~state penal and~~  
20 ~~correctional institutions~~ penal operations under the authority  
21 of the Department of Corrections shall obtain biometric  
22 identifiers, which may include fingerprints, photographs, palm  
23 prints, retina scans, or other identifiers specified by the  
24 FBI, according to the fingerprint biometric identification  
25 system of identification at ALEA and the rules established by

1 the commission, ~~and full face and profile photographs~~ of all  
2 persons received on commitment to these institutions. ~~The~~  
3 ~~prints so taken shall be forwarded to the ACJIC by forwarding~~  
4 ~~to the Alabama Department of Public Safety together with any~~  
5 ~~other identifying data requested~~ All biometric identifiers  
6 collected according to this section shall be provided to ALEA  
7 according to the rules of the commission within 10 days after  
8 the arrival at the institution of the person committed.

9 "(b) At the time of release, the institution ~~will~~  
10 shall again obtain fingerprints ~~as before~~ or other biometric  
11 identifiers as determined by the commission and forward them  
12 to ~~ACJIC~~ ALEA within 10 days ~~along with any other related~~  
13 ~~information requested by the commission~~. Immediately upon  
14 release, the institution shall notify ~~ACJIC~~ ALEA of the  
15 release of such person.

16 "§41-9-630.

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

21 "(b) All criminal justice agencies in this state  
22 having criminal identification files shall cooperate in  
23 providing to ~~ACJIC~~ ALEA information in ~~such the~~ files as will  
24 to aid in establishing the nucleus of the state criminal  
25 identification file.

1           "§41-9-631.

2           "(a) All criminal justice agencies within the state  
3 shall submit to ~~the ACJIC~~ ALEA periodically, at a time and in  
4 such a form as prescribed by the commission, information  
5 regarding only the cases within its jurisdiction. ~~Said~~ The  
6 report shall be known as the "Alabama uniform crime report"  
7 and shall include crimes reported and otherwise processed  
8 during the reporting period.

9           "~~Said~~ The report shall contain the number and nature  
10 of offenses committed, the disposition of ~~such~~ offenses and  
11 ~~such~~ other information as the commission shall specify  
12 relating to the method, frequency, cause, and prevention of  
13 crime.

14           "§41-9-632.

15           "Any governmental agency ~~which~~ that is not included  
16 within the description of those departments and agencies  
17 required to submit the uniform crime report which desires to  
18 submit such a report shall be furnished with the proper forms  
19 by ~~the ACJIC~~ ALEA. When a report is received by ~~ACJIC~~ ALEA  
20 from a governmental agency not required to make ~~such~~ a report,  
21 the information contained therein shall be included within the  
22 periodic compilation provided for in this article.

23           "§41-9-633.

24           "All criminal justice agencies within the state  
25 shall report to ~~the ACJIC~~ ALEA, in a time and manner

1 prescribed by the commission, all persons wanted by and all  
2 vehicles and property stolen from their jurisdictions. The  
3 reports shall be made as soon as is ~~practical~~ practicable  
4 after the investigating department or agency either ~~ascertains~~  
5 ~~that~~ determines a vehicle or identifiable property has been  
6 stolen, ~~or~~ obtains a warrant for an individual's arrest, ~~or~~  
7 determines that there are reasonable grounds to believe that  
8 the individual has committed the crime. In no event shall this  
9 time exceed 12 hours after the reporting department or agency  
10 determines that it has grounds to believe that a vehicle or  
11 property was stolen or that the wanted person should be  
12 arrested. The commission ~~shall have authority to~~ may institute  
13 any and all procedures necessary to trace and complete the  
14 investigative cycles of stolen vehicles or wanted persons.

15 "§41-9-634.

16 "If it is determined by the reporting agency that a  
17 person is no longer wanted due to his or her apprehension or  
18 any other factor, or when a vehicle or property reported  
19 stolen is recovered, the determining agency shall ~~notify~~  
20 immediately ~~the Alabama Criminal Justice Information Center~~  
21 notify ALEA. ~~Furthermore, if~~ If the agency making ~~such the~~  
22 apprehension or recovery is other than the one which made the  
23 original wanted or stolen report, then it shall ~~notify~~  
24 immediately notify the originating agency of the full  
25 particulars relating to ~~such the~~ the apprehension or recovery.

1           "§41-9-635.

2           "All probation and parole officers shall supply ~~the~~  
3 ~~ACJIC~~ ALEA with ~~the~~ information on delinquent parolees  
4 required by this article in a time and manner prescribed by  
5 the commission.

6           "§41-9-637.

7           "Pertinent identifying data and historical criminal  
8 information may be obtained and disseminated on any person  
9 confined to any workhouse, jail, reformatory, prison,  
10 penitentiary ~~or,~~ other penal institution, community  
11 corrections, or in custody pursuant to Section 15-18-8, having  
12 been convicted of ~~any~~ an offense ~~described in Section~~  
13 ~~41-9-622.~~

14           "§41-9-643.

15           "~~The center~~ ALEA shall make a person's criminal  
16 records available for inspection to him or her or his or her  
17 attorney upon written application to the commission. Forms,  
18 procedures, identification, and other related aspects  
19 pertinent to ~~such~~ the access may be prescribed by the  
20 commission in providing access to ~~such~~ the records and  
21 information.

22           "§41-9-645.

23           "(a) If an individual believes ~~such~~ information ~~to~~  
24 ~~be~~ is inaccurate or incomplete, he or she may request the  
25 original agency having custody or control of the detail

1 records to purge, modify, or supplement them and to ~~so~~ notify  
2 the ~~ACJIC~~ SBI of ~~such the~~ changes.

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

23 "The party found to be in error shall assume all  
24 costs involved.

25 "§41-9-646.

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

15           "§41-9-649.

16           "All transfers or purchases of firearms conducted by  
17 a licensed importer, licensed manufacturer, or licensed dealer  
18 shall be subject to the National Instant Criminal Background  
19 Check System (NICS) created by the federal "Brady Handgun  
20 Violence Prevention Act" (P.L. No. 103-159), the relevant  
21 portion of which is codified at 18 U.S.C. §922 (t). To the  
22 extent possible, all information from any state or local  
23 government agency that is necessary to complete an NICS check  
24 shall be provided to ~~the Criminal Justice Information Center~~  
25 ALEA. ~~The Criminal Justice Information Center Commission~~

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

13 Section 2. Sections 41-9-650, 41-9-651, and 41-9-652  
 14 are added to Division 2 of Article 23 of the Code of Alabama  
 15 1975, to read as follows:

16 §41-9-650.

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

25 §41-9-651.

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

6           §41-6-652.

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

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

22           (c) The secretary, or the secretary's designee, is  
23 the compact officer of the state and shall administer the  
24 compact within the state. The commission may adopt rules and  
25 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 by the state of the compact  
4 remains in effect until further action of the Legislature.

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

10 (f) All revenue received by ALEA through the  
11 exchange of information enabled through this compact shall be  
12 deposited into the State Treasury to the credit of the Public  
13 Safety Fund and shall be used to cover expenses for improving  
14 criminal history records and the state repository at ALEA.

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

1           Section 4. Notwithstanding any provision in this  
2 act, except for providing copies of data required by law to  
3 carry out the duties of the commission and ALEA, nothing in  
4 this act shall be interpreted to impair or grant the authority  
5 to impair the ownership, dissemination, or control of data  
6 collected and maintained by the Administrative Office of  
7 Courts or the appellate courts of the state.

8           Section 5. Section 41-9-597, Code of Alabama 1975,  
9 relating to employment; Section 41-9-599, Code of Alabama  
10 1975, relating to request for funds; Section 41-9-622, Code of  
11 Alabama 1975, relating to maintenance of historical criminal  
12 data; Section 41-9-629, Code of Alabama 1975, relating to  
13 forwarding of data; and Section 41-9-648, Code of Alabama  
14 1975, relating to compilation of information and statistics,  
15 are repealed.

16           Section 6. Although this bill would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds, the bill is excluded from further  
19 requirements and application under Amendment 621, now  
20 appearing as Section 111.05 of the Official Recompilation of  
21 the Constitution of Alabama of 1901, as amended, because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

1                   Section 7. This act shall become effective 90 days  
2 following its passage and approval by the Governor, or its  
3 otherwise becoming law.

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

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 23-MAY-19, as amended.

Jeff Woodard  
Clerk

Senate	31-MAY-19	Amended and Passed
House	31-MAY-19	Concurred in Senate Amendment