

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

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8 SYNOPSIS: This bill would provide for technical
9 revisions that comply with Act 2013-67 which vested
10 all 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.
12 However, the bill does not require approval of a
13 local governmental entity or enactment by a 2/3
14 vote to become effective because it comes within
15 one of the specified exceptions contained in the
16 amendment.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to the Alabama Justice Information
23 Commission; to amend Sections 41-9-590, 41-9-591, 41-9-592,
24 41-9-593, 41-9-594, 41-9-595, 41-9-596, 41-9-598, 41-9-601,
25 41-9-621, 41-9-623, 41-9-625, 41-9-627, 41-9-628, 41-9-630,
26 41-9-631, 41-9-632, 41-9-633, 41-9-634, 41-9-635, 41-9-637,
27 41-9-643, 41-9-645, 41-9-646, and 41-9-649, Code of Alabama

1 1975, to provide for technical revisions; to create reforming
2 changes to reflect current terminology; to clarify the
3 operation, powers, and duties of the Alabama Justice
4 Information Commission; to add Sections 41-9-650, 41-9-651,
5 and 41-9-652 to the Code of Alabama 1975, to authorize ALEA to
6 execute and implement the National Crime Prevention and
7 Privacy Compact; and to authorize ALEA to charge a fee for
8 criminal background checks subject to certain limitations; to
9 repeal Sections 41-9-597, 41-9-599, 41-9-622, 41-9-629, and
10 41-9-648 of the Code of Alabama 1975; and in connection
11 therewith would have as its purpose or effect the requirement
12 of a new or increased expenditure of local funds within the
13 meaning of Amendment 621 of the Constitution of Alabama 1901,
14 now appearing as Section 111.05 of the Official Recompilation
15 of the Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 41-9-590, 41-9-591, 41-9-592,
18 41-9-593, 41-9-594, 41-9-595, 41-9-596, 41-9-598, 41-9-601,
19 41-9-621, 41-9-623, 41-9-625, 41-9-627, 41-9-628, 41-9-630,
20 41-9-631, 41-9-632, 41-9-633, 41-9-634, 41-9-635, 41-9-637,
21 41-9-643, 41-9-645, 41-9-646, and 41-9-649, Code of Alabama
22 1975, are amended to read as follows:

23 "§41-9-590.

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

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

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

4 "~~(1)~~ (3) CRIMINAL JUSTICE AGENCIES. Such term shall
5 include those Federal, state, local, and tribal public
6 agencies at all levels of government which that perform as
7 their principal function substantial activities or planning
8 for such activities relating to the identification,
9 apprehension, prosecution, adjudication or rehabilitation of
10 civil, traffic, and criminal offenders.

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

13 "(4) CRIMINAL JUSTICE INFORMATION. Data necessary
14 for criminal justice agencies to perform their duties and
15 enforce existing law. This term includes, but is not limited
16 to, biometric, identity history, person, organization,
17 property, when accompanied by any personally identifiable
18 information, and case/incident history data. The term also
19 includes ALEA provided or FBI CJIS provided data necessary to
20 make hiring decisions.

21 "(5) CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
22 or FBI CJIS. The division of the Federal Bureau of
23 Investigation that equips law enforcement, national security,
24 and intelligence community partners with needed criminal
25 justice information.

26 "~~(3) CRIMINAL JUSTICE INFORMATION SYSTEM and SYSTEM.~~
27 ~~Such terms shall include that portion of those public~~

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

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

12 "(7) NLETS. Network provider for exchange of
13 criminal justice information among multiple state, federal,
14 and international criminal justice agencies.

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

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

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

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

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

1 "~~(4) COMMISSION. The Alabama Criminal Justice~~
2 ~~Information Center Commission.~~

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

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

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

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

11 "~~§41-9-591.~~

12 "(a) There is hereby created and established an
13 Alabama ~~Criminal Justice Information Center~~ Commission, which
14 shall ~~establish, develop and continue to operate a center and~~
15 ~~system for the interstate and intrastate accumulation,~~
16 ~~storage, retrieval, analysis and dissemination of vital~~
17 ~~information relating to certain crimes, criminals and criminal~~
18 ~~activity to be known as the Alabama Criminal Justice~~
19 ~~Information Center~~ be the regulatory body to establish policy
20 and procedures for the interstate and intrastate accumulation,
21 storage, retrieval, analysis, and dissemination of information
22 relating to offenses, criminals, and criminal activity
23 collection, and the use of data within the state for criminal
24 investigation and public safety purposes.

25 "(b) Central responsibility for the development,
26 maintenance, operation, and administration of the ~~Alabama~~
27 ~~Criminal Justice Information Center~~ policies and procedures

1 dictated by the commission and legal mandates of this article
2 shall be vested with the Director of the ACJIC under the
3 supervision of the Alabama Criminal Justice Information Center
4 Commission secretary.

5 "(c) ALEA is designated the CJIS Systems Agency to
6 the FBI CJIS, or its successor, and the NLETS System Agency to
7 NLETS, or its successor. ALEA may enforce all laws, rules, and
8 regulations regarding transmittal, exchange, and retrieval of
9 information with and through these entities. The CJIS Systems
10 Officer, or a designee approved by the secretary, shall serve
11 as the representative to those entities.

12 "§41-9-592.

13 "(a) The commission shall be composed of two
14 sections.

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

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

19 "(2) ~~the~~ The Attorney General~~7~~.

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

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

24 "(5) ~~the~~ The President of the Alabama Sheriffs'
25 Association~~7~~, ~~the Director of the Department of Public Safety~~7~~.~~

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

1 "(7) the The Director of the ~~Alabama Law Enforcement~~
2 ~~Planning Agency,~~ Law Enforcement and Traffic Safety Division
3 within the Alabama Department of Economic and Community
4 Affairs.

5 "(8) the The President of the Alabama District
6 Attorney's Association.

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

9 "(10) the The Chief Justice of the Alabama Supreme
10 Court.

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

13 "(12) the The President of the Alabama Circuit
14 Judges' Association.

15 "(13) the Governor's Coordinator of Alabama Highway
16 ~~and Traffic Safety and the Director of the Data Systems~~
17 ~~Management Division of the Alabama Department of Finance~~ The
18 Alabama Secretary of Information Technology.

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

20 "(1) the The presiding officer of the Alabama
21 Senate.

22 "(2) the The Speaker of the Alabama House of
23 Representatives.

24 "(3) the The President of the Association of County
25 Commissions of Alabama.

26 "(4) the The President of the Alabama League of
27 Municipalities.

1 "(5) the The Administrative Director of the Courts.

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

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

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

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

16 "§41-9-593.

17 "(a) The commission shall, ~~upon its first meeting,~~
18 elect from its membership a ~~chairman~~ chair and a ~~vice-chairman~~
19 vice-chair at the October meeting who shall serve for a period
20 of one year beginning the following year on January 1. The
21 ~~vice-chairman~~ vice-chair shall act in the place of the
22 ~~chairman~~ chair in his or her absence or disability. ~~Commencing~~
23 ~~October 1, 2014, the Secretary of the Alabama State Law~~
24 ~~Enforcement Agency shall serve as chairman of the commission~~
25 If a new chair and vice-chair are not elected at the October
26 meeting, the current chair and vice-chair shall remain in
27 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
26 under authority of this article ~~is restricted~~ to the items
27 germane to the implementation of this article; ~~the Alabama~~

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

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

16 ~~"(c)~~ (d) The commission may adopt rules and policies
17 regarding the collection, storage, and dissemination of ~~arrest~~
18 ~~and criminal history~~ criminal justice information that conform
19 to the policies of the ~~National Crime Information Center of~~
20 ~~the Federal Bureau of Investigation~~ FBI CJIS. The ACJIC may
21 ~~supply employee criminal records as provided in subsection (a)~~
22 commission may adopt rules and policies that permit ALEA to
23 perform background checks for noncriminal justice purposes and
24 may provide for the procedure for obtaining the records
25 including, but not limited to, charging a ~~twenty-five dollar~~
26 ~~(\$25)~~ fee not to exceed twenty-five dollars (\$25) for securing
27 records through ~~the ACJIC system~~ ALEA. All fees shall be

1 deposited into the State Treasury to the credit of the Public
2 Safety Fund and shall be used to cover the expenses for
3 improving criminal history records and the state repository at
4 ALEA.

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

24 "(f) The commission may establish a fee schedule for
25 any services rendered by ALEA under the authority of this
26 article. All fees shall be deposited into the State Treasury
27 to the credit of the Public Safety Fund and shall be used to

1 support, develop, maintain, and promote operations as
2 authorized in this article.

3 "§41-9-595.

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

15 "(b) The secretary shall designate an employee
16 within ALEA as the CJIS Systems Officer who is the liaison to
17 the Federal Bureau of Investigation CJIS Division and is
18 responsible for the administration of the federal and state
19 CJIS security policies on behalf of the state.

20 "§41-9-596.

21 "The ~~director~~ secretary shall maintain the necessary
22 staff along with support services necessary to enable the
23 effective and efficient performance of the duties and
24 responsibilities ascribed to ~~the ACJIC~~ ALEA in this article
25 ~~under the supervision of the commission.~~

26 "§41-9-598.

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

10 "§41-9-601.

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

24 "§41-9-621.

25 "The commission, acting through the ~~Director of the~~
26 ~~Alabama Criminal Justice Information Center~~ secretary, shall
27 do all of the following:

1 "(1) Develop, operate, and maintain ~~an~~ information
2 ~~system which~~ systems that will support the collection,
3 storage, retrieval, analysis, and dissemination of ~~all crime~~
4 ~~and offender data described in this article~~ criminal justice
5 information, other data, as determined by the commission, that
6 will aid crime fighting and public safety, including, but not
7 limited to, data from license plate readers, biometrics and
8 geospatial information, and data from any other, as determined
9 by the commission, automated-data collection systems operated
10 by criminal justice agencies consistent with those principles
11 of scope, security, and responsiveness prescribed by this
12 article~~7~~. The commission may adopt rules and policies
13 regarding the collection, use, storage, dissemination, and
14 transmittal to ALEA of this information by criminal justice
15 agencies within the state. The information in these systems is
16 privileged, not public record, and subject to the same
17 criminal penalties for misuse as provided in Sections 41-9-601
18 and 41-9-602.

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

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

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

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

23 "(6) Make available, upon request, to all criminal
24 justice agencies in this state, to all federal criminal
25 justice and criminal identification agencies, and to state
26 criminal justice and criminal identification agencies in other
27 states, any information in the files of ~~the ACJIC which~~ ALEA

1 that will aid these agencies in crime fighting and public
2 safety; for this purpose the ~~ACJIC~~ ALEA shall operate 24 hours
3 per day, seven days per week. The commission may adopt rules
4 and policies to share criminal justice information with
5 international criminal justice agencies.

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

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

23 "(9) Institute the necessary measures in the design,
24 implementation, and continued operation of the criminal
25 justice information ~~system~~ systems to ensure the privacy and
26 security of the ~~system~~ systems. ~~Such~~ Any privacy and security
27 measures must meet standards to be set by the commission as

1 well as those set by the nationally operated systems for
2 interstate sharing of such information; ~~and.~~

3 "(10) Designate in writing agents or employees of
4 ~~the ACJIC~~ ALEA who shall be and are hereby constituted ~~peace~~
5 law enforcement officers of the State of Alabama with full and
6 unlimited police power and jurisdiction to enforce the laws of
7 this state pertaining to the operation and administration of
8 the ~~Alabama Criminal Justice Information System~~ information
9 systems regulated through the authority of the commission and
10 the storage, use, and dissemination of information processed
11 therein.

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

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

16 "1. Suspension of access to ALEA information systems
17 pending investigation.

18 "2. Temporary or permanent suspension of access to
19 ALEA information systems if it is determined a violation
20 occurred.

21 "3. Implementation of a user agency's administrative
22 sanction.

23 "4. Pursuance of prosecution for misuse of
24 information.

25 "5. Denial of access if convicted of any criminal
26 offense.

1 "c. For the purpose of this section, the commission
2 and ALEA shall be exempt from Sections 41-22-12 through
3 41-22-21, inclusive.

4 "§41-9-623.

5 "(a) All criminal justice agencies within the state
6 shall submit to ~~the ACJIC, by forwarding to the Alabama~~
7 ~~Department of Public Safety~~ ALEA, fingerprints, descriptions,
8 photographs, ~~when specifically requested,~~ and other
9 identifying data on the following persons:

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

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

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

24 "(c) The Administrative Director of Courts or the
25 chief administrative officer of any other entity charged with
26 the compilation of information and statistics pertaining to
27 the disposition of criminal cases shall report the disposition

1 to ALEA within a reasonable time after formal rendition of
2 judgment as prescribed by the commission.

3 "§41-9-625.

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

24 "(b) If any person arrested or taken into custody is
25 subsequently released without charge or cleared of the offense
26 through criminal justice proceedings, ~~such~~ the disposition
27 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
26 the commission, ~~and full face and profile photographs~~ of all
27 persons received on commitment to these institutions. ~~The~~

1 ~~prints so taken shall be forwarded to the ACJIC by forwarding~~
2 ~~to the Alabama Department of Public Safety together with any~~
3 ~~other identifying data requested~~ All biometric identifiers
4 collected according to this section shall be provided to ALEA
5 according to the rules of the commission within 10 days after
6 the arrival at the institution of the person committed.

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

14 "§41-9-630.

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

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

24 "§41-9-631.

25 "(a) All criminal justice agencies within the state
26 shall submit to ~~the ACJIC~~ ALEA periodically, at a time and in
27 such a form as prescribed by the commission, information

1 regarding only the cases within its jurisdiction. ~~Said~~ The
2 report shall be known as the "Alabama uniform crime report"
3 and shall include crimes reported and otherwise processed
4 during the reporting period.

5 "Said The report shall contain the number and nature
6 of offenses committed, the disposition of ~~such~~ offenses and
7 ~~such~~ other information as the commission shall specify
8 relating to the method, frequency, cause, and prevention of
9 crime.

10 "§41-9-632.

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

19 "§41-9-633.

20 "All criminal justice agencies within the state
21 shall report to ~~the ACJIC~~ ALEA, in a time and manner
22 prescribed by the commission, all persons wanted by and all
23 vehicles and property stolen from their jurisdictions. The
24 reports shall be made as soon as is ~~practical~~ practicable
25 after the investigating department or agency either ~~ascertains~~
26 ~~that~~ determines a vehicle or identifiable property has been
27 stolen, or obtains a warrant for an individual's arrest, or

1 determines that there are reasonable grounds to believe that
2 the individual has committed the crime. In no event shall this
3 time exceed 12 hours after the reporting department or agency
4 determines that it has grounds to believe that a vehicle or
5 property was stolen or that the wanted person should be
6 arrested. The commission ~~shall have authority to~~ may institute
7 any and all procedures necessary to trace and complete the
8 investigative cycles of stolen vehicles or wanted persons.

9 "§41-9-634.

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

20 "§41-9-635.

21 "All probation and parole officers shall supply ~~the~~
22 ~~ACJIC~~ ALEA with ~~the~~ information on delinquent parolees
23 required by this article in a time and manner prescribed by
24 the commission.

25 "§41-9-637.

26 "Pertinent identifying data and historical criminal
27 information may be obtained and disseminated on any person

1 confined to any workhouse, jail, reformatory, prison,
2 penitentiary ~~or,~~ other penal institution, community
3 corrections, or in custody pursuant to Section 15-18-8, having
4 been convicted of ~~any~~ an offense ~~described in Section~~
5 ~~41-9-622.~~

6 "§41-9-643.

7 "~~The center~~ ALEA shall make a person's criminal
8 records available for inspection to him or her or his or her
9 attorney upon written application to the commission. Forms,
10 procedures, identification, and other related aspects
11 pertinent to ~~such~~ the access may be prescribed by the
12 commission in providing access to ~~such~~ the records and
13 information.

14 "§41-9-645.

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

20 "(b) ~~Should~~ If the agency ~~decline~~ declines to ~~so~~ act
21 or ~~should~~ if the individual ~~believe~~ believes the agency's
22 decision ~~to be otherwise~~ is unsatisfactory, the individual or
23 his or her attorney may, within 30 days of ~~such~~ the decision
24 and with notice to the agency, enter an appeal to the circuit
25 court of the county of his or her residence or to the circuit
26 court in the county where ~~such~~ the agency exists, ~~with notice~~
27 ~~to the agency, pursuant to acquiring an order by such court~~

1 ~~that the subject information be expunged, modified or~~
2 ~~supplemented by the agency of record.~~ The court in each ~~such~~
3 case shall conduct a de novo hearing and may order ~~such~~ relief
4 as it finds to be required by law. ~~Such appeals~~ Appeals shall
5 be entered in the same manner as appeals are entered from the
6 court of probate; except, that the appellant shall not be
7 required to post bond nor pay the costs in advance. If the
8 ~~aggrieved person~~ appellant desires, the appeal may be heard by
9 the judge at the first term or in chambers. A notice sent by
10 registered or certified mail shall be sufficient service on
11 the agency of disputed record that such appeal has been
12 entered.

13 "The party found to be in error shall assume all
14 costs involved.

15 "§41-9-646.

16 "Should the record in question be found to be
17 inaccurate, incomplete, l or misleading, the court shall order
18 it to be appropriately purged, modified, l or supplemented by an
19 explanatory notation. Each agency or individual in the state
20 with custody, possession, l or control of any ~~such~~ record shall
21 promptly ~~cause each and every copy thereof in his custody,~~
22 ~~possession or control to be altered in accordance with a court~~
23 order alter every copy in its custody, possession, or control
24 in accordance with a court order. Notification of each ~~such~~
25 deletion, amendment, l and supplementary notation shall be
26 promptly disseminated to any individuals or agencies to which
27 the records in question have been communicated, including ~~the~~

1 ~~ACJIC, as well as~~ ALEA and to the individual whose records
2 have been ordered ~~so~~ to be altered.

3 "§41-9-649.

4 "All transfers or purchases of firearms conducted by
5 a licensed importer, licensed manufacturer, or licensed dealer
6 shall be subject to the National Instant Criminal Background
7 Check System (NICS) created by the federal "Brady Handgun
8 Violence Prevention Act" (P.L. No. 103-159), the relevant
9 portion of which is codified at 18 U.S.C. §922 (t). To the
10 extent possible, all information from any state or local
11 government agency that is necessary to complete an NICS check
12 shall be provided to ~~the Criminal Justice Information Center~~
13 ALEA. The ~~Criminal Justice Information Center Commission~~
14 commission shall ~~promulgate~~ adopt rules and ~~regulations~~
15 policies necessary to implement a complete NICS check. The
16 commission shall also ensure that all information received
17 shall be used solely for the purposes of compliance with NICS
18 and every effort is made to protect the privacy of this
19 information. ~~All~~ Prior to the adoption of rules pursuant to
20 this section, all proposed rules shall go through the privacy
21 and security committee of the commission which shall seek
22 consultation from the President of the Probate Judges'
23 Association and the Commissioner of the Department of Mental
24 Health and consumer advocates as recommended by the
25 commissioner."

1 Section 2. Sections 41-9-650, 41-9-651, and 41-9-652
2 are added to Division 2 of Article 23 of the Code of Alabama
3 1975, to read as follows:

4 §41-9-650.

5 In addition to any other requirements, any agency,
6 board, or commission in this state that issues a permit or
7 license, by rule, may require a criminal background check
8 through ALEA as part of its licensing or permitting
9 requirements. Any agency, board, or commission adopting a rule
10 requiring a background check shall be subject to rules and
11 procedures of the commission for the use of the background
12 check.

13 §41-9-651.

14 Subject to the rules of the commission, ALEA may
15 provide criminal history information to a judge of probate for
16 the purpose of name changes, adoption hearings, determinations
17 of eligibility of administrators or executors of estates, or
18 any other lawful purpose.

19 §41-6-652.

20 (a) The Legislature approves and ratifies the
21 National Child Protection Act of 1993, 42 USC §5119-5119(c),
22 as amended, in order to facilitate the authorized interstate
23 exchange of criminal history information for noncriminal
24 justice purposes, including, but not limited to, background
25 checks for the licensing and screening of employees and
26 volunteers. The secretary shall execute the compact on behalf
27 of the state. The secretary may delay the initial execution of

1 the compact until funding is secured to establish the
2 procedures and hire the necessary staff or contract for
3 services to fulfill the requirements and responsibilities of
4 this compact.

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

8 (c) The secretary, or the secretary's designee, is
9 the compact officer of the state and shall administer the
10 compact within the state. The commission may adopt rules and
11 establish procedures for the cooperative exchange of criminal
12 history records between the state and federal governments for
13 use in noncriminal justice cases.

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

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

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

26 Section 3. Section 41-9-597, Code of Alabama 1975,
27 relating to employment; Section 41-9-599, Code of Alabama

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

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

15 Section 5. This act shall become effective 90 days
16 following its passage and approval by the Governor, or its
17 otherwise becoming law.