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HOUSE DRH30212-LT-103B (4/2)

Short Title: Criminal History Record Checks.

Sponsors:	Representative Goodwin.
Referred to:	

1	A BILL TO BE ENTITLED
2	AN ACT ADOPTING THE NATIONAL CRIME PREVENTION AND PRIVACY
3	COMPACT FOR NORTH CAROLINA.
4	The General Assembly of North Carolina enacts:
5	SECTION 1. Article 4 of Chapter 114 of the General Statutes is amended
6	by:
7	(1) Designating G.S. 114-12 through G.S. 114-19 as:
8	"Part 1. General Powers and Duties of the State Bureau of Investigation.";
9	(2) Designating G.S. 114-19.1 through G.S. 114-19.11 as:
10	"Part 2. Criminal History Record Checks.";
11	(3) Designating G.S. 114-20 through G.S. 114-21 as:
12	"Part 3. Protection of Public Officials.";
13	(4) Recodifying G.S. 114-21 as G.S. 114-12.1.
14	SECTION 2. Part 2 of Article 4 of Chapter 114 of the General Statutes is
15	amended by adding the following new section to read:
16	" <u>§ 114-19.20. The National Crime Prevention and Privacy Compact.</u>
17	The National Crime Prevention and Privacy Compact is enacted into law and entered
18	into with all jurisdictions legally joining in the compact in the form substantially as set
19	forth in this section, as follows:
20	Preamble.
21	Whereas, it is in the interest of the State to facilitate the dissemination of criminal
22	history records from other states for use in North Carolina as authorized by state law;
23	and
24	Whereas, the National Crime Prevention and Privacy Compact creates a legal
25	framework for the cooperative exchange of criminal history records for noncriminal
26	justice purposes; and

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(Public)

1	Whereas, t	he compact provides for the organization of an electronic
2		ring system among the federal government and the states to exchange
3		records for noncriminal justice purposes authorized by federal or state
4		kground checks for governmental licensing and employment; and
5		der the compact, the FBI and the party states agree to maintain detailed
6		ir respective criminal history records, including arrests and dispositions,
7		em available to the federal government and party states for authorized
8	purposes; and	
9	Whereas, the	e FBI shall manage the federal data facilities that provide a significant
10	part of the infras	structure for the system; and
11	Whereas, en	tering into the compact would facilitate the interstate and federal-state
12	exchange of cri	minal history information to streamline the processing of background
13	checks for nonc	riminal justice purposes; and
14	Whereas, re	elease and use of information obtained through the system for
15	•	tice purposes would be governed by the laws of the receiving state; and
16		tering into the compact will provide a mechanism for establishing and
17	•	rm standards for record accuracy and for the confidentiality and privacy
18	interests of reco	
19		Article I.
20		Definitions.
21		nis compact, the following definitions apply:
22	<u>(1)</u>	"Attorney General" means the Attorney General of the United States.
23	<u>(2)</u>	<u>"Compact officer" means:</u>
24		a. With respect to the federal government, an official so
25		designated by the director of the FBI; and
26		b. With respect to a party state, the chief administrator of the
27		state's criminal history record repository or a designee of the
28		chief administrator who is a regular, full-time employee of the
29 20	(2)	repository.
30 31	$\frac{(3)}{(4)}$	"Council" means the compact council established under Article VI.
32	<u>(4)</u>	"Criminal history record repository" means the State Bureau of Investigation's Division of Criminal Information.
32 33	<u>(5)</u>	"Criminal history records" means information collected by criminal
33 34	<u>(J)</u>	justice agencies on individuals consisting of identifiable descriptions
35		and notations of arrests, detentions, indictments, or other formal
36		criminal charges and any disposition arising therefrom, including
37		acquittal, sentencing, correctional supervision, or release. The term
38		does not include identification information such as fingerprint records
39		if the information does not indicate involvement of the individual with
40		the criminal justice system.
41	<u>(6)</u>	"Criminal justice" includes activities relating to the detection,
42		apprehension, detention, pretrial release, posttrial release, prosecution,
43		adjudication, correctional supervision, or rehabilitation of accused
44		persons or criminal offenders. The administration of criminal justice

1		includes oriminal identification activities and the collection storage
1 2		includes criminal identification activities and the collection, storage, and dissemination of criminal history records.
2 3	(7)	"Criminal justice agency" means: (i) courts; and (ii) a governmental
3 4	<u>(7)</u>	
		agency or any subunit of an agency that performs the administration of
5		criminal justice pursuant to a statute or executive order and allocates a
6		substantial part of its annual budget to the administration of criminal
7	$\langle 0 \rangle$	justice. The term includes federal and state inspector general offices.
8	<u>(8)</u>	"Criminal justice services" means services provided by the FBI to
9		criminal justice agencies in response to a request for information about
10		a particular individual or as an update to information previously
11		provided for criminal justice purposes.
12	<u>(9)</u>	"Direct access" means access to the national identification index by
13		computer terminal or other automated means not requiring the
14		assistance of or intervention by any other party or agency.
15	<u>(10)</u>	"Executive order" means an order of the President of the United States
16		or the chief executive officer of a state that has the force of law and
17		that is promulgated in accordance with applicable law.
18	<u>(11)</u>	"FBI" means the Federal Bureau of Investigation.
19	<u>(12)</u>	"III system" means the interstate identification index system, which is
20		the cooperative federal-state system for the exchange of criminal
21		history records. The term includes the national identification index, the
22		national fingerprint file, and, to the extent of their participation in the
23		system, the criminal history record repositories of the states and the
24		FBI.
25	<u>(13)</u>	"National fingerprint file" means a database of fingerprints or of other
26		uniquely personal identifying information that relates to an arrested or
27		charged individual and that is maintained by the FBI to provide
28		positive identification of record subjects indexed in the III system.
29	(14)	"National identification index" means an index maintained by the FBI
30		consisting of names, identifying numbers, and other descriptive
31		information relating to record subjects about whom there are criminal
32		history records in the III system.
33	(15)	"National indices" means the national identification index and the
34		national fingerprint file.
35	(16)	"Noncriminal justice purposes" means uses of criminal history records
36	<u> </u>	for purposes authorized by federal or state law other than purposes
37		relating to criminal justice activities, including employment suitability,
38		licensing determinations, immigration and naturalization matters, and
39		national security clearances.
40	(17)	"Nonparty state" means a state that has not ratified this compact.
41	$\frac{(17)}{(18)}$	"Party state" means a state that has ratified this compact.
42	$\frac{(10)}{(19)}$	"Positive identification" means a determination, based upon a
43	(12)	comparison of fingerprints or other equally reliable biometric
44		identification techniques, that the subject of a record search is the same
тт		recontinuation techniques, that the subject of a record search is the same

1		person as the subject of a criminal history record or records indexed in
2		person as the subject of a criminal history record or records indexed in the III system. Identifications based solely upon a comparison of
2		subjects' names or other nonunique identification characteristics or
3 4		numbers, or combinations thereof, does not constitute positive
5	(20)	identification.
6 7	<u>(20)</u>	"Sealed record information" means:
8		a. With respect to adults, that portion of a record that is:
o 9		 <u>Not available for criminal justice uses;</u> <u>Not supported by fingerprints or other accepted means of</u>
10		positive identification; or Subject to restrictions on discomination for nonoriminal
11		3. <u>Subject to restrictions on dissemination for noncriminal</u>
12		justice purposes pursuant to a court order related to a
13		particular subject or pursuant to a federal or state statute
14		that requires action on a sealing petition filed by a
15		particular record subject; and
16		b. With respect to juveniles, whatever each state determines is a
17	(21)	sealed record under its own law and procedure.
18	<u>(21)</u>	"State" means any state, territory, or possession of the United States,
19 20		the District of Columbia, and the Commonwealth of Puerto Rico.
20		Article II.
21 22	The sum eres	Purposes.
,,	I DE DUTDOSE	
	· · ·	s of this compact are to: Provide a legal framework for the establishment of a concertive
23	<u>(1)</u>	Provide a legal framework for the establishment of a cooperative
23 24	· · ·	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of
23 24 25	<u>(1)</u>	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses;
23 24 25 26	· · ·	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and
23 24 25 26 27	<u>(1)</u>	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a
23 24 25 26 27 28	<u>(1)</u>	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting
23 24 25 26 27 28 29	<u>(1)</u>	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules,
23 24 25 26 27 28 29 30	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI;
23 24 25 26 27 28 29 30 31	<u>(1)</u>	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national
23 24 25 26 27 28 29 30 31 32	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide
23 24 25 26 27 28 29 30 31 32 33	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history records
23 24 25 26 27 28 29 30 31 32 33 34	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal
23 24 25 26 27 28 29 30 31 32 33 34 35	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and
23 24 25 26 27 28 29 30 31 32 33 34 35 36	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37	(<u>1</u>) (<u>2</u>) (<u>3</u>)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI;
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	<u>(1)</u> (2)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Provide for the establishment of a council to monitor III system
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	(<u>1</u>) (<u>2</u>) (<u>3</u>)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Provide for the establishment of a council to monitor III system operations and to prescribe system rules and procedures for the
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	(<u>1</u>) (<u>2</u>) (<u>3</u>)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Provide for the establishment of a council to monitor III system operations and to prescribe system rules and procedures for the effective and proper operation of the III system for noncriminal justice
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	(<u>1</u>) (<u>2</u>) (<u>3</u>) (<u>4</u>)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Provide for the establishment of a council to monitor III system operations and to prescribe system rules and procedures for the effective and proper operation of the III system for noncriminal justice purposes; and
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	(<u>1</u>) (<u>2</u>) (<u>3</u>)	Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses; Require the FBI to permit use of the national identification index and the national fingerprint file by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Require party states to provide information and records for the national identification index and the national fingerprint file and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the federal government for noncriminal justice purposes, in accordance with the terms of this compact and with rules, procedures, and standards established by the council under Article VI; Provide for the establishment of a council to monitor III system operations and to prescribe system rules and procedures for the effective and proper operation of the III system for noncriminal justice

1			security, data quality, and other duly established standards, including
2			those that enhance the accuracy and privacy of such records.
3			Article III.
4			Responsibilities of Compact Parties.
5	<u>(a)</u>	The d	lirector of the FBI shall:
6	<u>~~~</u>	(1)	Appoint an FBI compact officer who shall:
7		<u></u>	<u>a.</u> <u>Administer this compact within the Department of Justice and</u>
8			among federal agencies and other agencies and organizations
9			that submit search requests to the FBI pursuant to Article $V(c)$;
10			b. Ensure that compact provisions and rules, procedures, and
11			standards prescribed by the council under Article VI are
12			complied with by the Department of Justice and federal
13			agencies and other agencies and organizations referred to in
14			sub-subdivision (a)(1)a. of this Article III; and
15			c. <u>Regulate the use of records received by means of the III system</u>
16			from party states when such records are supplied by the FBI
17			directly to other federal agencies;
18		<u>(2)</u>	Provide to federal agencies and to state criminal history record
19			repositories criminal history records maintained in its database for the
20			noncriminal justice purposes described in Article IV, including:
21			a. Information from nonparty states; and
22			b. Information from party states that is available from the FBI
23			through the III system but is not available from the party states
24			through the III system;
25		<u>(3)</u>	Provide a telecommunications network and maintain centralized
26			facilities for the exchange of criminal history records for both criminal
27			justice purposes and the noncriminal justice purposes described in
28			Article IV and ensure that the exchange of records for criminal justice
29			purposes has priority over exchange for noncriminal justice purposes;
30			and
31		<u>(4)</u>	Modify or enter into user agreements with nonparty state criminal
32			history record repositories to require them to establish record request
33			procedures conforming to those prescribed in Article V.
34	<u>(b)</u>		party state shall:
35		<u>(1)</u>	Appoint a compact officer who shall:
36			<u>a.</u> <u>Administer this compact within that state;</u>
37			b. Ensure that compact provisions and rules, procedures, and
38			standards established by the council under Article VI are
39			complied with in the state; and
40			c. Regulate the in-state use of records received by means of the III
41			system from the FBI or from other party states;
42		<u>(2)</u>	Establish and maintain a criminal history record repository, which
43			shall provide:

1	<u>a.</u> Information and records for the national identification index
2	and the national fingerprint file; and
3	b. The state's III system-indexed criminal history records for
4	noncriminal justice purposes described in Article IV;
5	(3) Participate in the national fingerprint file; and
6	(4) Provide and maintain telecommunications links and related equipment
7	necessary to support the criminal justice services set forth in this
8	<u>compact.</u>
9	(c) In carrying out their responsibilities under this compact, the FBI and each
10	party state shall comply with III system rules, procedures, and standards duly
11	established by the council concerning record dissemination and use, response times,
12	data quality, system security, accuracy, privacy protection, and other aspects of III
13	system operation.
14	(d) Use of the III system for noncriminal justice purposes authorized in this
15	compact must be managed so as not to diminish the level of services provided in
16	support of criminal justice purposes. Administration of compact provisions may not
17	reduce the level of service available to authorized noncriminal justice users on the
18	effective date of this compact.
19	Article IV.
20	Authorized Record Disclosures.
21	(a) To the extent authorized by section 552a of Title 5, United States Code
22	(commonly known as the Privacy Act of 1974), the FBI shall provide on request
23	criminal history records, excluding sealed record information, to state criminal history
24	record repositories for noncriminal justice purposes allowed by federal statute, federal
25	executive order, or a state statute that has been approved by the Attorney General to
26	ensure that the state statute explicitly authorizes national indices checks.
27	(b) The FBI, to the extent authorized by section 552a of Title 5, United States
28	Code (commonly known as the Privacy Act of 1974), and state criminal history record
29	repositories shall provide criminal history records, excluding sealed record information,
30	to criminal justice agencies and other governmental or nongovernmental agencies for
31	noncriminal justice purposes allowed by federal statute, federal executive order, or a
32	state statute that has been approved by the Attorney General to ensure that the state
33	statute explicitly authorizes national indices checks.
34	(c) <u>Any record obtained under this compact may be used only for the official</u>
35	purposes for which the record was requested. Each compact officer shall establish
36	procedures consistent with this compact and with rules, procedures, and standards
37	established by the council under Article VI, which procedures shall protect the accuracy
38	and privacy of the records and shall:
39	(1) Ensure that records obtained under this compact are used only by
40	authorized officials for authorized purposes:
41	(2) <u>Require that subsequent record checks are requested to obtain current</u>
42	information whenever a new need arises; and
43	(3) Ensure that record entries that may not legally be used for a particular
44	noncriminal justice purpose are deleted from the response and, if no

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1 2 3		information authorized for release remains, an ap response is communicated to the requesting offici Article V.	
4		Record Request Procedures.	
5	(a) S	ubject fingerprints or other approved forms of positiv	ve identification must
6		d with all requests for criminal history record checks for	
7	purposes.	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·
8		ach request for a criminal history record check utilizin	g the national indices
9		any approved state statute must be submitted through	-
10		ord repository. A state criminal history record reposi	
11	•	quest for noncriminal justice purposes through the na	
12		is transmitted through another state criminal history re-	•
13	<u>FBI.</u>		
14	<u>(c)</u> <u>E</u>	ach request for criminal history record checks utilizin	g the national indices
15	made under	federal authority must be submitted through the FBI o	r, if the state criminal
16	history reco	ord repository consents to process fingerprint subm	nissions, through the
17	criminal his	story record repository in the state in which the requ	est originated. Direct
18	access to the	he national identification index by entities other that	an the FBI and state
19	<u>criminal</u> his	story record repositories may not be permitted for	<u>noncriminal</u> justice
20	purposes.		
21		state criminal history record repository or the FBI:	
22	<u>(1</u>		-
23		request involving fingerprint processing for	noncriminal justice
24	<i>(</i>	purposes; and	
25	<u>(2</u>		-
26		response to an electronic request for a record th	at does not involve a
27		request to process fingerprints.	
28	<u>(e)</u> (1	• • •	
29 20		the subject of a record request made for noncrim	
30		the request, together with fingerprints or other	
31 32		information, must be forwarded to the FBI for a	search of the national
32 33	(7	$\frac{\text{indices.}}{\text{indices.}}$	state oriminal history
33 34	<u>(2</u>	2) If, with respect to a request forwarded by a s record repository under subdivision (e)(1) of the	
34 35		positively identifies the subject as having a III s	
35 36		or records:	ystem-macked record
30 37		<u>a.</u> <u>The FBI shall so advise the state crin</u>	minal history record
38		repository; and	<u>minur mistory record</u>
39		<u>b.</u> <u>The state criminal history record repositor</u>	v is entitled to obtain
40		the additional criminal history record info	-
41		or other state criminal history record repos	
42		Article VI.	
		Alucie VI.	

1	<u>(a)</u> <u>T</u>	here is established a council to be known as the compact council which has
2	the authorit	y to promulgate rules and procedures governing the use of the III system for
3	noncriminal	justice purposes, not to conflict with FBI administration of the III system
4	for criminal	justice purposes. The council shall:
5	()	1) <u>Continue in existence as long as this compact remains in effect;</u>
6	(2	2) <u>Be located, for administrative purposes, within the FBI; and</u>
7	(3	B) Be organized and hold its first meeting as soon as practicable after the
8		effective date of this compact.
9	<u>(b)</u> <u>T</u>	he council must be composed of 15 members, each of whom must be
10	appointed b	y the Attorney General, as follows:
11	()	Nine members, each of whom shall serve a two-year term, who must
12		be selected from among the compact officers of party states based on
13		the recommendation of the compact officers of all party states, except
14		that in the absence of the requisite number of compact officers
15		available to serve, the chief administrators of the criminal history
16		record repositories of nonparty states must be eligible to serve on an
17		interim basis;
18	<u>(2</u>	2) <u>Two at-large members, nominated by the director of the FBI, each of</u>
19		whom shall serve a three-year term, of whom:
20		a. One must be a representative of the criminal justice agencies of
21		the federal government and may not be an employee of the FBI;
22		and
23		b. One must be a representative of the noncriminal justice
24		agencies of the federal government;
25	<u>(;</u>	3) <u>Two at-large members, nominated by the chair of the council once the</u>
26		chair is elected pursuant to subsection (c)(3) of this Article VI, each of
27		whom shall serve a three-year term, of whom:
28		a. <u>One must be a representative of state or local criminal justice</u>
29		agencies; and
30		b. <u>One must be a representative of state or local noncriminal</u>
31		justice agencies;
32	(2	4) <u>One member who shall serve a three-year term and who shall</u>
33		simultaneously be a member of the FBI's advisory policy board on
34 25		criminal justice information services, nominated by the membership of
35	(1	that policy board; and
36	<u>(</u>]	5) One member, nominated by the director of the FBI, who shall serve a
37		three-year term and who must be an employee of the FBI.
38		rom its membership, the council shall elect a chair and a vice-chair of the
39 40		th the chair and vice-chair of the council: (i) must be a compact officer,
40 41		is no compact officer on the council who is willing to serve, in which case
41 42		ay be an at-large member and (ii) shall serve two-year terms and may be only one additional two year term. The vice chair of the council shall serve
42 43		only one additional two-year term. The vice-chair of the council shall serve of the council in the absence of the chair
43	as the chalf	of the council in the absence of the chair.

1	(d) The council shall meet at least once each year at the call of the chair. Each
1 2	
	meeting of the council must be open to the public. The council shall provide prior public
3	notice in the federal register of each meeting of the council, including the matters to be
4	addressed at the meeting. A majority of the council or any committee of the council
5	shall constitute a quorum of the council or of a committee, respectively, for the conduct
6	of business. A lesser number may meet to hold hearings, take testimony, or conduct any
7	business not requiring a vote.
8	(e) The council shall make available for public inspection and copying at the
9	council office within the FBI and shall publish in the federal register any rules,
10	procedures, or standards established by the council.
11	(f) The council may request from the FBI reports, studies, statistics, or other
12	information or materials that the council determines to be necessary to enable the
13	council to perform its duties under this compact. The FBI, to the extent authorized by
14	law, may provide assistance or information upon a request.
15	(g) The chair may establish committees as necessary to carry out this compact
16	and may prescribe their membership, responsibilities, and duration.
17	<u>Article VII.</u>
18	Ratification of Compact.
19	This compact takes effect upon being entered into by two or more states as between
20	those states and the federal government. When additional states subsequently enter into
21	this compact, it becomes effective among those states and the federal government and
22	each party state that has previously ratified it. When ratified, this compact has the full
23	force and effect of law within the ratifying jurisdictions. The form of ratification must
24	be in accordance with the laws of the executing state.
25	Article VIII.
26	Miscellaneous Provisions.
27	(a) Administration of this compact may not interfere with the management and
28	control of the director of the FBI over the FBI's collection and dissemination of criminal
29	history records and the advisory function of the FBI's advisory policy board chartered
30	under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than
31	noncriminal justice.
32	(b) Nothing in this compact may require the FBI to obligate or expend funds
33	beyond those appropriated to the FBI.
34	(c) Nothing in this compact may diminish or lessen the obligations,
35	responsibilities, and authorities of any state, whether a party state or a nonparty state, or
36	of any criminal history record repository or other subdivision or component thereof
37	under the Departments of State, Justice, and Commerce, the Judiciary, and Related
38	Agencies Appropriation Act, 1973 (Public Law 92-544) or regulations and guidelines
39	promulgated thereunder, including the rules and procedures promulgated by the council
40	under Article VI(a), regarding the use and dissemination of criminal history records and
41	information.
42	Article IX.
43	Renunciation.
44	(a) This compact shall bind each party state until renounced by the party state.

1	<u>(b)</u>	Any ren	unciation of this compact by a party state must:
2		<u>(1)</u> <u>E</u>	Be effected in the same manner by which the party state ratified this
3		<u><u> </u></u>	ompact; and
4		<u>(2)</u> <u>E</u>	Become effective 180 days after written notice of renunciation is
5			rovided by the party state to each other party state and to the federal
6		ĝ	jovernment.
7		•	Article X.
8			Severability.
9	The p	provisions	of this compact must be severable. If any phrase, clause, sentence, or
10	provisio	n of this	compact is declared to be contrary to the constitution of any
11	participa	ting state	or to the Constitution of the United States or if the applicability of
12	any phra	se, clause	e, sentence, or provision of this compact to any government, agency,
13	person, o	or circums	tance is held invalid, the validity of the remainder of this compact and
14	the appli	cability of	f the remainder of the compact to any government, agency, person, or
15	<u>circumst</u>	ance may	not be affected by the severability. If a portion of this compact is held
16	<u>contrary</u>	to the co	nstitution of any party state, all other portions of this compact must
17	<u>remain i</u>	n full for	ce and effect as to the remaining party states and in full force and
18	effect as	to the par	ty state affected, as to all other provisions.
19			Article XI.
20			Adjudication of Disputes.
21	<u>(a)</u>	The cou	<u>ncil:</u>
22		<u>(1)</u> <u>H</u>	Has initial authority to make determinations with respect to any
23		<u>d</u>	lispute regarding:
24		<u>a</u>	<u>.</u> Interpretation of this compact;
25		<u>b</u>	Any rule or standard established by the council pursuant to
26			Article VI; and
27		<u>c</u>	. Any dispute or controversy between any parties to this compact;
28			and
29			shall hold a hearing concerning any dispute described in subdivision
30		()	a)(1) of this Article XI at a regularly scheduled meeting of the council
31		<u>a</u>	nd only render a decision based upon a majority vote of the members
32		<u>0</u>	f the council. The decision must be published pursuant to the
33		<u>r</u>	equirements of Article VI(e).
34	<u>(b)</u>		BI shall exercise immediate and necessary action to preserve the
35			II system, to maintain system policy and standards, to protect the
36	accuracy	and priva	acy of records, and to prevent abuses until the council holds a hearing
37	on the m	atters.	
38	<u>(c)</u>	The FB	I or a party state may appeal any decision of the council to the
39	Attorney	General	and after that appeal may file suit in the appropriate district court of
40			hat has original jurisdiction of all cases or controversies arising under
41			suit arising under this compact and initiated in a state court must be
42			propriate district court of the United States in the manner provided by
43	section 1	446 of Ti	tle 28, United States Code, or other statutory authority."

1	SECTION 3. The North Carolina Attorney General shall report to the
2	General Assembly on or before March 1, 2004, on the following:
3	(1) The compact officer to be appointed pursuant to Article III of the
4	National Crime Prevention and Privacy Compact.
5	(2) Any rules or procedures to be adopted to implement the Compact.
6	(3) Any provisions of the General Statutes that must be repealed or
7	amended to conform to the Compact.
8	SECTION 4. This act is effective when it becomes law.