

# Senate Study Bill 3068

## Bill Text

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1 1 Section 1. NEW SECTION. 692B.1 CITATION.  
1 2 This chapter may be cited as the "National Crime Prevention  
1 3 and Privacy Compact Act".  
1 4 Sec. 2. NEW SECTION. 692B.2 CRIME PREVENTION AND PRIVACY  
1 5 COMPACT.  
1 6 The national crime prevention and privacy compact is  
1 7 enacted into law and entered into by this state with any other  
1 8 state or jurisdiction legally joining the compact in the form  
1 9 substantially as follows:  
1 10 ARTICLE I DEFINITIONS  
1 11 As used in this compact, unless the context clearly  
1 12 requires otherwise:  
1 13 (1) ATTORNEY GENERAL. The term "attorney general" means  
1 14 the attorney general of the United States.  
1 15 (2) COMPACT OFFICER. The term "compact officer" means  
1 16 (A) with respect to the federal government, an official so  
1 17 designated by the director of the FBI; and  
1 18 (B) with respect to a party state, the chief administrator  
1 19 of the state's criminal history record repository or a  
1 20 designee of the chief administrator who is a regular full-time  
1 21 employee of the repository.  
1 22 (3) COUNCIL. The term "council" means the compact council  
1 23 established under Article VI.  
1 24 (4) CRIMINAL HISTORY RECORDS. The term "criminal history  
1 25 records"  
1 26 (A) means information collected by criminal justice  
1 27 agencies on individuals consisting of identifiable  
1 28 descriptions and notations of arrests, detentions,  
1 29 indictments, or other formal criminal charges, and any  
1 30 disposition arising therefrom, including acquittal,  
1 31 sentencing, correctional supervision, or release; and  
1 32 (B) does not include identification information such as  
1 33 fingerprint records if such information does not indicate  
1 34 involvement of the individual with the criminal justice  
1 35 system.  
2 1 (5) CRIMINAL HISTORY RECORD REPOSITORY. The term  
2 2 "criminal history record repository" means the state agency  
2 3 designated by the governor or other appropriate executive  
2 4 official or the legislature of a state to perform centralized  
2 5 record-keeping functions for criminal history records and  
2 6 services in the state.  
2 7 (6) CRIMINAL JUSTICE. The term "criminal justice"  
2 8 includes activities relating to the detection, apprehension,  
2 9 detention, pretrial release, posttrial release, prosecution,  
2 10 adjudication, correctional supervision, or rehabilitation of  
2 11 accused persons or criminal offenders. The administration of  
2 12 criminal justice includes criminal identification activities  
2 13 and the collection, storage, and dissemination of criminal  
2 14 history records.  
2 15 (7) CRIMINAL JUSTICE AGENCY. The term "criminal justice  
2 16 agency"  
2 17 (A) means  
2 18 (i) courts; and  
2 19 (ii) a governmental agency or any subunit thereof that  
2 20 (I) performs the administration of criminal justice  
2 21 pursuant to a statute or executive order; and

2 22 (II) allocates a substantial part of its annual budget to  
2 23 the administration of criminal justice; and  
2 24 (B) includes federal and state inspectors general offices.  
2 25 (8) CRIMINAL JUSTICE SERVICES. The term "criminal justice  
2 26 services" means services provided by the FBI to criminal  
2 27 justice agencies in response to a request for information  
2 28 about a particular individual or as an update to information  
2 29 previously provided for criminal justice purposes.  
2 30 (9) CRITERION OFFENSE. The term "criterion offense" means  
2 31 any felony or misdemeanor offense not included on the list of  
2 32 nonserious offenses published periodically by the FBI.  
2 33 (10) DIRECT ACCESS. The term "direct access" means access  
2 34 to the national identification index by computer terminal or  
2 35 other automated means not requiring the assistance of or  
3 1 intervention by any other party or agency.  
3 2 (11) EXECUTIVE ORDER. The term "executive order" means an  
3 3 order of the president of the United States or the chief  
3 4 executive officer of a state that has the force of law and  
3 5 that is promulgated in accordance with applicable law.  
3 6 (12) FBI. The term "FBI" means the federal bureau of  
3 7 investigation.  
3 8 (13) INTERSTATE IDENTIFICATION SYSTEM. The term  
3 9 "interstate identification index system" or "III system"  
3 10 (A) means the cooperative federal-state system for the  
3 11 exchange of criminal history records; and  
3 12 (B) includes the national identification index, the  
3 13 national fingerprint file and, to the extent of their  
3 14 participation in such system, the criminal history record  
3 15 repositories of the states and the FBI.  
3 16 (14) NATIONAL FINGERPRINT FILE. The term "national  
3 17 fingerprint file" means a database of fingerprints, or other  
3 18 uniquely personal identifying information, relating to an  
3 19 arrested or charged individual maintained by the FBI to  
3 20 provide positive identification of record subjects indexed in  
3 21 the III System.  
3 22 (15) NATIONAL IDENTIFICATION INDEX. The term "national  
3 23 identification index" means an index maintained by the FBI  
3 24 consisting of names, identifying numbers, and other  
3 25 descriptive information relating to record subjects about whom  
3 26 there are criminal history records in the III system.  
3 27 (16) NATIONAL INDICES. The term "national indices" means  
3 28 the national identification index and the national fingerprint  
3 29 file.  
3 30 (17) NONPARTY STATE. The term "nonparty state" means a  
3 31 state that has not ratified this compact.  
3 32 (18) NONCRIMINAL JUSTICE PURPOSES. The term "noncriminal  
3 33 justice purposes" means uses of criminal history records for  
3 34 purposes authorized by federal or state law other than  
3 35 purposes relating to criminal justice activities, including  
4 1 employment suitability, licensing determinations, immigration  
4 2 and naturalization matters, and national security clearances.  
4 3 (19) PARTY STATE. The term "party state" means a state  
4 4 that has ratified this compact.  
4 5 (20) POSITIVE IDENTIFICATION. The term "positive  
4 6 identification" means a determination, based upon a comparison  
4 7 of fingerprints or other equally reliable biometric  
4 8 identification techniques, that the subject of a record search  
4 9 is the same person as the subject of a criminal history record  
4 10 or records indexed in the III system. Identifications based  
4 11 solely upon a comparison of subjects' names or other nonunique  
4 12 identification characteristics or numbers, or combinations  
4 13 thereof, shall not constitute positive identification.  
4 14 (21) SEALED RECORD INFORMATION. The term "sealed record  
4 15 information" means  
4 16 (A) with respect to adults, that portion of a record that  
4 17 is  
4 18 (i) not available for criminal justice uses;

4 19 (ii) not supported by fingerprints or other accepted means  
4 20 of positive identification; or  
4 21 (iii) subject to restrictions on dissemination for  
4 22 noncriminal justice purposes pursuant to a court order related  
4 23 to a particular subject or pursuant to a federal or state  
4 24 statute that requires action on a sealing petition filed by a  
4 25 particular record subject; and  
4 26 (B) with respect to juveniles, whatever each state  
4 27 determines is a sealed record under its own law and procedure.  
4 28 (22) STATE. The term "state" means any state, territory,  
4 29 or possession of the United States, the District of Columbia,  
4 30 and the Commonwealth of Puerto Rico.

#### 4 31 ARTICLE II PURPOSES

4 32 The purposes of this compact are to

4 33 (1) provide a legal framework for the establishment of a  
4 34 cooperative federal state system for the interstate and  
4 35 federal state exchange of criminal history records for  
5 1 noncriminal justice uses;

5 2 (2) require the FBI to permit use of the national  
5 3 identification index and the national fingerprint file by each  
5 4 party state, and to provide, in a timely fashion, federal and  
5 5 state criminal history records to requesting states, in  
5 6 accordance with the terms of this compact and with rules,  
5 7 procedures, and standards established by the council under  
5 8 Article VI;

5 9 (3) require party states to provide information and  
5 10 records for the national identification index and the national  
5 11 fingerprint file and to provide criminal history records, in a  
5 12 timely fashion, to criminal history record repositories of  
5 13 other states and the federal government for noncriminal  
5 14 justice purposes, in accordance with the terms of this compact  
5 15 and with rules, procedures, and standards established by the  
5 16 council under Article VI;

5 17 (4) provide for the establishment of a council to monitor  
5 18 III system operations and to prescribe system rules and  
5 19 procedures for the effective and proper operation of the III  
5 20 system for noncriminal justice purposes; and

5 21 (5) require the FBI and each party state to adhere to III  
5 22 system standards concerning record dissemination and use,  
5 23 response times, system security, data quality, and other duly  
5 24 established standards, including those that enhance the  
5 25 accuracy and privacy of such records.

#### 5 26 ARTICLE III RESPONSIBILITIES OF COMPACT PARTIES

5 27 (a) FBI RESPONSIBILITIES. The director of the FBI shall

5 28 (1) appoint an FBI compact officer who shall

5 29 (A) administer this compact within the department of  
5 30 justice and among federal agencies and other agencies and  
5 31 organizations that submit search requests to the FBI pursuant  
5 32 to Article V(c);

5 33 (B) ensure that compact provisions and rules, procedures,  
5 34 and standards prescribed by the council under Article VI are  
5 35 complied with by the department of justice and the federal  
6 1 agencies and other agencies and organizations referred to in  
6 2 Article III(1)(A); and

6 3 (C) regulate the use of records received by means of the  
6 4 III system from party states when such records are supplied by  
6 5 the FBI directly to other federal agencies;

6 6 (2) provide to federal agencies and to state criminal  
6 7 history record repositories, criminal history records  
6 8 maintained in its database for the noncriminal justice  
6 9 purposes described in Article IV, including

6 10 (A) information from nonparty states; and

6 11 (B) information from party states that is available from  
6 12 the FBI through the III system, but is not available from the  
6 13 party state through the III system;

6 14 (3) provide a telecommunications network and maintain  
6 15 centralized facilities for the exchange of criminal history

6 16 records for both criminal justice purposes and the noncriminal  
6 17 justice purposes described in Article IV, and ensure that the  
6 18 exchange of such records for criminal justice purposes has  
6 19 priority over exchange for noncriminal justice purposes; and  
6 20 (4) modify or enter into user agreements with nonparty  
6 21 state criminal history record repositories to require them to  
6 22 establish record request procedures conforming to those  
6 23 prescribed in Article V.

6 24 (b) STATE RESPONSIBILITIES. Each party state shall

6 25 (1) appoint a compact officer who shall

6 26 (A) administer this compact within that state;

6 27 (B) ensure that compact provisions and rules, procedures,  
6 28 and standards established by the council under Article VI are  
6 29 complied with in the state; and

6 30 (C) regulate the in-state use of records received by means  
6 31 of the III system from the FBI or from other party states;

6 32 (2) establish and maintain a criminal history record  
6 33 repository, which shall provide

6 34 (A) information and records for the national  
6 35 identification index and the national fingerprint file; and

7 1 (B) the state's III system-indexed criminal history  
7 2 records for noncriminal justice purposes described in Article  
7 3 IV;

7 4 (3) participate in the national fingerprint file; and

7 5 (4) provide and maintain telecommunications links and  
7 6 related equipment necessary to support the services set forth  
7 7 in this compact.

7 8 (c) COMPLIANCE WITH III SYSTEM STANDARDS. In carrying out  
7 9 their responsibilities under this compact, the FBI and each  
7 10 party state shall comply with III system rules, procedures,  
7 11 and standards duly established by the council concerning  
7 12 record dissemination and use, response times, data quality,  
7 13 system security, accuracy, privacy protection, and other  
7 14 aspects of III system operation.

7 15 (d) MAINTENANCE OF RECORD SERVICES.

7 16 (1) Use of the III system for noncriminal justice purposes  
7 17 authorized in this compact shall be managed so as not to  
7 18 diminish the level of services provided in support of criminal  
7 19 justice purposes.

7 20 (2) Administration of compact provisions shall not reduce  
7 21 the level of service available to authorized noncriminal  
7 22 justice users on the effective date of this compact.

#### 7 23 ARTICLE IV AUTHORIZED RECORD DISCLOSURES

7 24 (a) STATE CRIMINAL HISTORY RECORD REPOSITORIES. To the  
7 25 extent authorized by section 552a of title 5, United States  
7 26 Code (commonly known as the Privacy Act of 1974), the FBI  
7 27 shall provide on request criminal history records (excluding  
7 28 sealed records) to state criminal history record repositories  
7 29 for noncriminal justice purposes allowed by federal statute,  
7 30 federal executive order, or a state statute that has been  
7 31 approved by the attorney general and that authorizes national  
7 32 indices checks.

7 33 (b) CRIMINAL JUSTICE AGENCIES AND OTHER GOVERNMENTAL OR  
7 34 NONGOVERNMENTAL AGENCIES. The FBI, to the extent authorized  
7 35 by section 552a of title 5, United States Code (commonly known  
8 1 as the Privacy Act of 1974), and state criminal history record  
8 2 repositories shall provide criminal history records (excluding  
8 3 sealed records) to criminal justice agencies and other  
8 4 governmental or nongovernmental agencies for noncriminal  
8 5 justice purposes allowed by federal statute, federal executive  
8 6 order, or a state statute that has been approved by the  
8 7 attorney general, that authorizes national indices checks.

8 8 (c) PROCEDURES. Any record obtained under this compact  
8 9 may be used only for the official purposes for which the  
8 10 record was requested. Each compact officer shall establish  
8 11 procedures, consistent with this compact and with rules,  
8 12 procedures, and standards established by the council under

8 13 Article VI, which procedures shall protect the accuracy and  
8 14 privacy of the records, and shall

8 15 (1) ensure that records obtained under this compact are  
8 16 used only by authorized officials for authorized purposes;

8 17 (2) require that subsequent record checks are requested to  
8 18 obtain current information whenever a new need arises; and

8 19 (3) ensure that record entries that may not legally be  
8 20 used for a particular noncriminal justice purpose are deleted  
8 21 from the response and, if no information authorized for  
8 22 release remains, an appropriate "no record" response is  
8 23 communicated to the requesting official.

#### 8 24 ARTICLE V RECORD REQUEST PROCEDURES

8 25 (a) POSITIVE IDENTIFICATION. Subject fingerprints or  
8 26 other approved forms of positive identification shall be  
8 27 submitted with all requests for criminal history record checks  
8 28 for noncriminal justice purposes.

8 29 (b) SUBMISSION OF STATE REQUESTS. Each request for a  
8 30 criminal history record check utilizing the national indices  
8 31 made under any approved state statute shall be submitted  
8 32 through that state's criminal history record repository. A  
8 33 state criminal history record repository shall process an  
8 34 interstate request for noncriminal justice purposes through  
8 35 the national indices only if such request is transmitted  
9 1 through another state criminal history record repository or  
9 2 the FBI.

9 3 (c) SUBMISSION OF FEDERAL REQUESTS. Each request for  
9 4 criminal history record checks utilizing the national indices  
9 5 made under federal authority shall be submitted through the  
9 6 FBI or, if the state criminal history record repository  
9 7 consents to process fingerprint submissions, through the  
9 8 criminal history record repository in the state in which such  
9 9 request originated. Direct access to the national  
9 10 identification index by entities other than the FBI and state  
9 11 criminal history records repositories shall not be permitted  
9 12 for noncriminal justice purposes.

9 13 (d) FEES. A state criminal history record repository or  
9 14 the FBI

9 15 (1) may charge a fee, in accordance with applicable law,  
9 16 for handling a request involving fingerprint processing for  
9 17 noncriminal justice purposes; and

9 18 (2) may not charge a fee for providing criminal history  
9 19 records in response to an electronic request for a record that  
9 20 does not involve a request to process fingerprints.

9 21 (e) ADDITIONAL SEARCH.

9 22 (1) If a state criminal history record repository cannot  
9 23 positively identify the subject of a record request made for  
9 24 noncriminal justice purposes, the request, together with  
9 25 fingerprints or other approved identifying information, shall  
9 26 be forwarded to the FBI for a search of the national indices.

9 27 (2) If, with respect to a request forwarded by a state  
9 28 criminal history record repository under paragraph (1), the  
9 29 FBI positively identifies the subject as having a III system  
9 30 indexed record or records

9 31 (A) the FBI shall so advise the state criminal history  
9 32 record repository; and

9 33 (B) the state criminal history record repository shall be  
9 34 entitled to obtain the additional criminal history record  
9 35 information from the FBI or other state criminal history  
10 1 record repositories.

#### 10 2 ARTICLE VI ESTABLISHMENT OF COMPACT COUNCIL

10 3 (a) ESTABLISHMENT.

10 4 (1) IN GENERAL. There is established a council to be  
10 5 known as the compact council, which shall have the authority  
10 6 to promulgate rules and procedures governing the use of the  
10 7 III system for noncriminal justice purposes, not to conflict  
10 8 with FBI administration of the III system for criminal justice  
10 9 purposes.

10 10 (2) ORGANIZATION. The council shall  
10 11 (A) continue in existence as long as this compact remains  
10 12 in effect;  
10 13 (B) be located, for administrative purposes, within the  
10 14 FBI; and  
10 15 (C) be organized and hold its first meeting as soon as  
10 16 practicable after the effective date of this compact.  
10 17 (b) MEMBERSHIP. The council shall be composed of fifteen  
10 18 members, each of whom shall be appointed by the attorney  
10 19 general, as follows:  
10 20 (1) Nine members, each of whom shall serve a two-year  
10 21 term, who shall be selected from among the compact officers of  
10 22 party states based on the recommendation of the compact  
10 23 officers of all party states, except that, in the absence of  
10 24 the requisite number of compact officers available to serve,  
10 25 the chief administrators of the criminal history record  
10 26 repositories of nonparty states shall be eligible to serve on  
10 27 an interim basis.  
10 28 (2) Two at-large members, nominated by the director of the  
10 29 FBI, each of whom shall serve a three-year term, of whom  
10 30 (A) One shall be a representative of the criminal justice  
10 31 agencies of the federal government and may not be an employee  
10 32 of the FBI; and  
10 33 (B) One shall be a representative of the noncriminal  
10 34 justice agencies of the federal government.  
10 35 (3) Two at-large members, nominated by the chairperson of  
11 1 the council, once the chairperson is elected pursuant to  
11 2 Article VI(c), each of whom shall serve a three-year term, of  
11 3 whom  
11 4 (A) One shall be a representative of state or local  
11 5 criminal justice agencies; and  
11 6 (B) One shall be a representative of state or local  
11 7 noncriminal justice agencies.  
11 8 (4) One member, who shall serve a three-year term, and who  
11 9 shall simultaneously be a member of the FBI's advisory policy  
11 10 board on criminal justice information services, nominated by  
11 11 the membership of that policy board.  
11 12 (5) One member, nominated by the director of the FBI, who  
11 13 shall serve a three-year term, and who shall be an employee of  
11 14 the FBI.  
11 15 (c) CHAIRPERSON AND VICE CHAIRPERSON.  
11 16 (1) IN GENERAL. From its membership, the council shall  
11 17 elect a chairperson and a vice chairperson of the council,  
11 18 respectively. Both the chairperson and vice chairperson of  
11 19 the council  
11 20 (A) shall be a compact officer, unless there is no compact  
11 21 officer on the council who is willing to serve, in which case  
11 22 the chairperson may be an at-large member; and  
11 23 (B) shall serve a two-year term and may be reelected to  
11 24 only one additional two-year term.  
11 25 (2) DUTIES OF VICE CHAIRPERSON. The vice chairperson of  
11 26 the council shall serve as the chairperson of the council in  
11 27 the absence of the chairperson.  
11 28 (d) MEETINGS.  
11 29 (1) IN GENERAL. The council shall meet at least once each  
11 30 year at the call of the chairperson. Each meeting of the  
11 31 council shall be open to the public. The council shall  
11 32 provide prior public notice in the federal register of each  
11 33 meeting of the council, including the matters to be addressed  
11 34 at such meeting.  
11 35 (2) QUORUM. A majority of the council or any committee of  
12 1 the council shall constitute a quorum of the council or of  
12 2 such committee, respectively, for the conduct of business. A  
12 3 lesser number may meet to hold hearings, take testimony, or  
12 4 conduct any business not requiring a vote.  
12 5 (e) RULES, PROCEDURES, AND STANDARDS. The council shall  
12 6 make available for public inspection and copying at the

12 7 council office within the FBI, and shall publish in the  
12 8 federal register, any rules, procedures, or standards  
12 9 established by the council.

12 10 (f) ASSISTANCE FROM FBI. The council may request from the  
12 11 FBI such reports, studies, statistics, or other information or  
12 12 materials as the council determines to be necessary to enable  
12 13 the council to perform its duties under this compact. The  
12 14 FBI, to the extent authorized by law, may provide such  
12 15 assistance or information upon such a request.

12 16 (g) COMMITTEES. The chairperson may establish committees  
12 17 as necessary to carry out this compact and may prescribe their  
12 18 membership, responsibilities, and duration.

#### 12 19 ARTICLE VII RATIFICATION OF COMPACT

12 20 This compact shall take effect upon being entered into by  
12 21 two or more states as between those states and the federal  
12 22 government. Upon subsequent entering into this compact by  
12 23 additional states, it shall become effective among those  
12 24 states and the federal government and each party state that  
12 25 has previously ratified it. When ratified, this compact shall  
12 26 have the full force and effect of law within the ratifying  
12 27 jurisdictions. The form of ratification shall be in  
12 28 accordance with the laws of the executing state.

#### 12 29 ARTICLE VIII MISCELLANEOUS PROVISIONS

##### 12 30 (a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

12 31 Administration of this compact shall not interfere with the  
12 32 management and control of the director of the FBI over the  
12 33 FBI's collection and dissemination of criminal history records  
12 34 and the advisory function of the FBI's advisory policy board  
12 35 chartered under the Federal Advisory Committee Act (5 U.S.C.  
13 1 App.) for all purposes other than noncriminal justice.

##### 13 2 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.

13 3 Nothing in this compact shall require the FBI to obligate or  
13 4 expend funds beyond those appropriated to the FBI.

##### 13 5 (c) RELATING TO PUBLIC LAW 92-544. Nothing in this

13 6 compact shall diminish or lessen the obligations,  
13 7 responsibilities, and authorities of any state, whether a  
13 8 party state or a nonparty state, or of any criminal history  
13 9 record repository or other subdivision or component thereof,  
13 10 under the Departments of State, Justice, and Commerce, the  
13 11 Judiciary, and Related Agencies Appropriation Act, 1973  
13 12 (Public Law 92-544), or regulations and guidelines promulgated  
13 13 thereunder, including the rules and procedures promulgated by  
13 14 the council under Article VI(a), regarding the use and  
13 15 dissemination of criminal history records and information.

#### 13 16 ARTICLE IX RENUNCIATION

13 17 (a) IN GENERAL. This compact shall bind each party state  
13 18 until renounced by the party state.

13 19 (b) EFFECT. Any renunciation of this compact by a party  
13 20 state shall

13 21 (1) be effected in the same manner by which the party  
13 22 state ratified this compact; and

13 23 (2) become effective one hundred eighty days after written  
13 24 notice of renunciation is provided by the party state to each  
13 25 other party state and to the federal government.

#### 13 26 ARTICLE X SEVERABILITY

13 27 The provisions of this compact shall be severable, and if  
13 28 any phrase, clause, sentence, or provision of this compact is  
13 29 declared to be contrary to the constitution of any  
13 30 participating state, or to the Constitution of the United  
13 31 States, or the applicability thereof to any government,  
13 32 agency, person, or circumstance is held invalid, the validity  
13 33 of the remainder of this compact and the applicability thereof  
13 34 to any government, agency, person, or circumstance shall not  
13 35 be affected thereby. If a portion of this compact is held  
14 1 contrary to the constitution of any party state, all other  
14 2 portions of this compact shall remain in full force and effect  
14 3 as to the remaining party states and in full force and effect

14 4 as to the party state affected, as to all other provisions.

14 5 ARTICLE XI ADJUDICATION OF DISPUTES

14 6 (a) IN GENERAL. The council shall

14 7 (1) have initial authority to make determinations with  
14 8 respect to any dispute regarding

14 9 (A) interpretation of this compact;

14 10 (B) any rule or standard established by the council  
14 11 pursuant to Article V; and

14 12 (C) any dispute or controversy between any parties  
14 13 to this compact; and

14 14 (2) hold a hearing concerning any dispute described in  
14 15 paragraph (1) at a regularly scheduled meeting of the council  
14 16 and only render a decision based upon a majority vote of the  
14 17 members of the council. Such decision shall be published  
14 18 pursuant to the requirements of Article VI(e).

14 19 (b) DUTIES OF FBI. The FBI shall exercise immediate and  
14 20 necessary action to preserve the integrity of the III system,  
14 21 maintain system policy and standards, protect the accuracy and  
14 22 privacy of records, and to prevent abuses, until the council  
14 23 holds a hearing on such matters.

14 24 (c) RIGHT OF APPEAL. The FBI or a party state may appeal  
14 25 any decision of the council to the attorney general, and  
14 26 thereafter may file suit in the appropriate district court of  
14 27 the United States, which shall have original jurisdiction of  
14 28 all cases or controversies arising under this compact. Any  
14 29 suit arising under this compact and initiated in a state court  
14 30 shall be removed to the appropriate district court of the  
14 31 United States in the manner provided by section 1446 of title  
14 32 28, United States Code, or other statutory authority.

14 33 Sec. 3. NEW SECTION. 692B.3 DUTY OF COMMISSIONER.

14 34 The commissioner of public safety shall be responsible to  
14 35 implement and administer this compact.

15 1 EXPLANATION

15 2 This bill enacts the crime prevention and privacy compact  
15 3 Act of 1998.

15 4 The bill organizes an electronic information sharing system  
15 5 between the federal government and states for the purposes of  
15 6 exchanging criminal history records, excluding sealed records,  
15 7 for purposes such as background checks for governmental  
15 8 licensing or employment, immigration matters, and national  
15 9 security clearances. The bill requires that any record  
15 10 obtained under this bill may only be used for the purpose for  
15 11 which the record was requested.

15 12 Under the bill, the FBI, this state, and other states that  
15 13 are party to the compact, agree to maintain their own criminal  
15 14 history database which includes arrest and disposition  
15 15 records, and make such records available to the federal  
15 16 government or other states for background checks for  
15 17 noncriminal purposes.

15 18 The bill requires the states to provide information and  
15 19 records for the national identification index and the national  
15 20 fingerprint file. The bill provides that a compact council  
15 21 appointed by the attorney general of the United States shall  
15 22 have the authority to adopt rules and procedures to administer  
15 23 the use of the national identification system, which includes  
15 24 the national fingerprint file.

15 25 The bill provides that the commissioner of public safety  
15 26 shall implement and administer the sharing of criminal history  
15 27 records.

15 28 LSB 5056DP 78

15 29 jm/cf/24