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The full text (approximately 1,500 pages) of legislation cited in this
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Justice Statistics Clearinghouse
National Criminal Justice Reference Service
P.O. Box 6000
Rockville, Maryland 20850
Foreword

This updated edition of the *Compendium of State Privacy and Security Legislation, 1994 Overview* is the ninth in the series of Bureau of Justice Statistics’ publications referencing and analyzing State laws, administrative regulations, and attorneys generals’ opinions relating to the security, confidentiality, accuracy and completeness of criminal history records. The first *Compendium* was published in 1974 in conjunction with the development and issuance by the Law Enforcement Assistance Administration of the Department of Justice regulations on privacy and security of criminal history record information. Subsequent editions have been published in 1978, 1979, 1981, 1984, 1987, 1989, 1992 and now the current 1994 edition.

The purpose of the volumes continues to be assistance to legislators, planners, administrators, legal analysts and other researchers in reviewing and contrasting the varying approaches the States have taken to issues concerned with the maintenance and use of criminal records. With such information available, States are able to take a more enlightened approach to criminal record policymaking.

The importance of complete and accurate records was again highlighted in the last Congress with the passage of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993 (amended by the Violent Crime Control and Law Enforcement Act of 1994 to include the elderly and disabled). Both Acts address the need to improve the quality of criminal history records and provide grant programs to assist the States in their efforts.

It is the hope of the Bureau of Justice Statistics that this report will be a resource for policymakers in improving and promoting the Nation’s criminal history records. The efficient operation of complete and accurate record systems serves to benefit us all.

Jan M. Chaiken, Ph.D.
Director
Introduction

The Compendium series

This Compendium is the latest in a series of nine U.S. Department of Justice publications that reference and analyze state laws and regulations relating to privacy and security of criminal history record information. These compendia include: (1) compilations of state laws and administrative regulations, and (2) analyses of findings and trends reflected in that body of law and policy documents. The purpose of these compendia is to assist legislators, planners, administrators, legal analysts and other interested individuals in reviewing state statutes and regulations governing the maintenance and use of criminal records and in analyzing national trends in this important area. Comparing and contrasting the various approaches reflected in the many state laws and regulations cited in these documents should assist planners and administrators to develop effective and fair policies for their jurisdictions. By facilitating such comparisons and by furthering research in this area, the compendia are intended to promote the evolution of enlightened privacy and information policy.

The first compendium was published by the Law Enforcement Assistance Administration (LEAA) in 1974 as part of its efforts connected with the promulgation of regulations covering the privacy and security of criminal history record information. A second compendium, published in 1978, documented the growth of state privacy and security laws subsequent to the earlier survey. At that time LEAA also published a companion document that provided an overview of the significant changes in state laws that had occurred, largely as a result of the impact of the federal regulations, and analyzed policy issues in specific areas of privacy and security law. Updating supplements to those compendia were published in 1979 and in 1981, covering state legislation and regulations up to July 1981. The 1984, 1987, 1989 and 1992 volumes replaced all of the earlier volumes in the series and referenced all state laws and regulations up to the dates of publication.

Scope of this Compendium

This Compendium is an up-to-date and complete document that replaces all of the earlier volumes in the series. It references all current state laws up to July 1994, as well as regulations, executive orders and opinions of state attorneys general

1 The term “criminal history record information” is defined in the Department of Justice regulations to include “information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release.” 28 C.F.R. § 20.3(b) (1993).
where applicable. It also includes a review and analysis section containing a general overview of state laws and regulations and a discussion of trends and conclusions concerning two especially important information policy issues: (1) requirements imposed on criminal justice agencies to maintain record quality, and (2) dissemination and use of criminal history information for noncriminal justice purposes.

Since this volume compiles the material from previous compendia, as well as more recent enactments, the sheer bulk of this body of material precludes continuing the practice of reproducing the complete text of the state laws and regulations. Copies of specific statutes or the complete set of statutes are available on microfiche from the National Criminal Justice Reference Service (NCJRS) in Rockville, Maryland. A full, hard-copy library of these laws, regulations and other materials is maintained by SEARCH, The National Consortium for Justice Information and Statistics, at its offices in Sacramento, California. Copies of specific enactments may be ordered by mail or telephone.

This Compendium contains four sections. Section 1 sets out an overview of state criminal history record laws and an analysis of state requirements relating to data quality and noncriminal justice access and use. Section 2 defines the 28 subject-matter categories into which the laws and regulations are classified in the tables in the Compendium. These categories are the same as those used in previous volumes. Section 3 sets out summary tables showing trends and developments in criminal justice information law and policy by classification category. Section 4 sets out summary tables of criminal justice information statutes and regulations by state, along with a list of the titles of the state codes (see page 47) from which the citations were extracted. All of the tables in Sections 3 and 4 set out complete citations to the official state codes or other state compilations where the full text of the laws and regulations may be found. These citations should be used in ordering copies of particular provisions from NCJRS or SEARCH.

The methodology used in compiling the Compendium included a survey of state officials concerned with criminal record programs and policy, followed by extensive library research in the state codes to verify and augment survey responses. The survey and research compiled the laws of 53 jurisdictions: the 50 states, the District of Columbia, Puerto Rico and the Virgin Islands. In the Compendium, all of these jurisdictions are referred to as “states.”

How to use the Compendium

Because this volume is a complete compilation of all prior compendia and supplements, it will not be necessary to consult prior volumes.

To facilitate use of this volume, the laws and regulations have been classified into 28 subject-matter categories that are defined in Section 2. Numerous tables are included in Sections 3 and 4 to assist readers in finding laws dealing with particular subjects or to determine which aspects of information policy are addressed by particular states. The summary tables in Section 3 list citations to all state statutes and regulations under each of the 28 classification categories. For example, the table for the category “State regulatory authority” (page 17) indicates which of the states have provisions establishing or designating an agency to promulgate statewide regulations governing criminal history records and provides the legal citations to the provisions. In addition to finding particular citations, the reader is able to quickly identify the concentration of states addressing a particular policy area.

Another view of state privacy and security trends is reflected in the table on page 15 titled “Survey comparison of changes in state statutes and regulations by classification category.” At a glance, the table indicates the degree of attention that a particular area of information policy has received in the states over the past 17 years, as reflected by surveys conducted in 1974, 1977, 1979, 1981, 1984, 1987, 1989, 1991 and 1994.

A summary table for each state is included in Section 4. These tables use the 28 classification categories referred to above and set out citations to all of the laws and regulations of particular states. If no entry appears under one or more classification categories for a particular state, it means that the state has no law or regulation addressing that policy area, or that research has failed to discover any.

The state summary tables presented in Section 4 include subdivisions of four classification categories. Category 3, “Dissemination regulations,” is subdivided to show whether the states permit or prohibit access by various types of groups or individuals (criminal justice agencies, governmental noncriminal justice agencies and private agencies or individuals) to various types of information (conviction, non-conviction and arrest information). Category 4, “Inspection,” is subdivided to show whether the states permit an individual to inspect his criminal history record; inspect his
record and take notes; or inspect his record and obtain a copy of information contained in that record. Category 14, “Accuracy and completeness,” is subdivided to permit statutes to be classified as relating to disposition reporting, auditing, or other accuracy and completeness requirements. Finally, Category 22, “Security,” is subdivided to enable statutes to be classified as relating to physical, administrative or computer security. These classification subdivisions should present a more accurate and detailed view of state legislative and regulatory activity in these four important policy areas and will make the Compendium a more useful research tool.
Section 1: Review and analysis

A. Current status of the law

In the early 1970s, at a time when public concern about privacy, automation and mushrooming information systems was at its height, Congress considered several legislative proposals that would have imposed a uniform nationwide information management scheme for state and local handling of criminal history record information. Although Congress did not enact comprehensive legislation, in 1973 it did adopt an amendment to the Omnibus Crime Control and Safe Streets Act of 1968 (now Section 812(b) of the Justice Assistance Act of 1984; Pub. L. 98-473). The amendment provided in general terms that all criminal history record information collected, maintained or disseminated by state and local criminal justice agencies with financial support made available under the Act must be kept complete and secure, must be made available for review and challenge by record subjects, and must be used only for law enforcement and other lawful purposes.

In 1975 the U.S. Department of Justice’s Law Enforcement Assistance Administration issued comprehensive information systems regulations to implement the amendment. These regulations, usually referred to as the Department of Justice (DOJ) regulations, are applicable to all state and local criminal justice agencies that have used funding for the support of criminal history record systems. The regulations impose minimum general requirements for criminal history information management, leaving the development of specific programs and procedures to state legislation and policymaking. As intended, the regulations have been instrumental in stimulating many states to enact their own laws to comply with the requirements of the federal government. In addition, the regulations triggered a reassessment of existing state privacy and security laws that has gone beyond mere compliance, as evidenced by the fact that about half of the states have enacted comprehensive criminal history laws, some of which are in some respects stricter than the requirements of the regulations.

Today, virtually all of the states have enacted legislation governing at least the dissemination of criminal history records. Although the approaches differ considerably, virtually all of the states have followed the lead of the regulations in distinguishing between information referring to convictions and current arrests, on the one hand, and nonconviction data on the other (information referring to cases without recorded dispositions or with dispositions favorable to the accused). Most states have placed stricter limits on the release of nonconviction data for noncriminal justice purposes, such as background screening for employment and licensing purposes. Virtually all of the states also have established procedures to permit record subjects to review their records and to institute procedures to correct inaccuracies. Finally, virtually all of the states have established security procedures complying generally with the requirements of the regulations. In these areas, as in other areas of record management, the regulations do not require the enactment of legislation, so long as adequate operational procedures are implemented by regulation, agency rule or other appropriate means. Thus, the numbers of state statutes in these areas cited in this volume do not fully reflect the significant progress made in these areas of privacy protection.

Two areas of criminal history record information management merit special analysis. These areas are: (1) data quality and (2) dissemination of criminal records for noncriminal justice purposes. They are discussed in Section B.

B. Analysis of critical issues

1. Data quality

As noted earlier, the broad language of the 1973 Congressional amendment provided the basis for comprehensive regulations issued by LEAA in 1975 covering all state and local criminal history record systems supported in whole or in part by federal funding.8 Among other things, the regulations require all covered agencies to implement operational procedures designed to ensure that criminal history record information is complete and accurate.9

The regulations state that to be complete, a record of an arrest must contain information concerning any disposition occurring within the state within 90 days after the disposition has occurred. In order to promote the dissemination of complete criminal history records, the regulations require that state and local agencies establish procedures to query the state central repository prior to disseminating information unless the agency is assured that it is disseminating the most up-to-date disposition data or time is of the essence and the repository is technically incapable of responding within the necessary time period.\(^{10}\)

The provisions of the regulations dealing with accuracy define accuracy literally to mean that “no record containing criminal history record information shall contain erroneous information.”\(^ {11}\) In order to promote accuracy, two types of operational procedures are required: (1) a process of data collection, entry, storage and systematic audit that will minimize the possibility of recording and storing inaccurate information; and (2) procedures for sending notices of corrections to all criminal justice agencies known to have received inaccurate information of a material nature. As a practical matter, this provision requires agencies to create and maintain dissemination logs so that corrections can be sent to recipients of erroneous information.

Finally, the regulations require agencies to give criminal record subjects an opportunity, upon request, to review their criminal history record information for purposes of ensuring accuracy and completeness.\(^ {12}\)

State statutory provisions

As noted earlier, the regulations do not require the states to enact legislation dealing with accuracy and completeness. Many states, however, have chosen to deal with the problem by state law. In 1974, just prior to publication of the regulations, only 14 states had adopted statutory data quality safeguards. By 1978, two years after the adoption of the LEAA regulations, 41 states had added data quality provisions of one kind or another to their criminal history record statutes. That number increased to 45 states in 1979, to 49 states in 1981, to 51 states in 1984, and to 52 states in 1991.\(^ {13}\)

Although the regulations do not expressly require that the states establish state central criminal record repositories, the Commentary published with the regulations noted that the provisions on accuracy and completeness were written with state central repositories in mind. Indeed, the provisions of the regulations dealing with completeness state that complete records “should” be maintained in state central repositories.\(^ {14}\) Today every state, as well as the District of Columbia and Puerto Rico, have established state central repositories and most of them conform generally to the model described in the Commentary. In all of those states, pursuant to statute, regulation or established practice, criminal justice agencies throughout the state are required to report arrest and disposition data to the state repositories for all serious offenses (usually felonies and serious misdemeanors). All of the states

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\(^{10}\)28 C.F.R. § 20.21(a)(1)(1993).


\(^{12}\)28 C.F.R. § 20.21(g)(1993).

\(^{13}\)As used in the Compendium, the term “state” includes the District of Columbia, Puerto Rico and the Virgin Islands. All except the Virgin Islands have enacted data quality provisions.

have statutory provisions expressly requiring the reporting of arrest information. In most cases, arrest information is reported on arrest fingerprint cards, which include the subject’s name and identification information, arrest event information (date, place, etc.), arrest charges and inked fingerprint impressions.

All 52 of the jurisdictions with data quality provisions also have adopted legislation that imposes some form of disposition reporting requirement on some types of state and local agencies. Many of these statutes (for example, Alaska, California, Kansas, Maryland, Missouri and Texas) are quite specific as to the types of data to be reported, the responsible agency or official, time requirements and sanctions. Others, however, merely state a general reporting requirement with little or no detail as to how or by whom reporting is to be accomplished, leaving these particulars to be spelled out in regulations.

Even in those states with more detailed reporting laws, not all types of information are covered. Only 29 states specifically require the reporting of prosecutor information to the central repository and in only a few of these states are prosecutors required to report to the repository all of the charges that were filed, modified or dropped. Forty-five state statutes require the courts (customarily the court clerks) to report disposition information to the central repository. Forty-five states require correctional agencies to report correctional information, such as reception, release, parole, escape or death.

Other problems with many of the disposition reporting laws include the failure of states to impose time limits for the reporting of disposition data and the lack of meaningful penalties for failure to comply. Only 29 states prescribe statutory time limits for the reporting of disposition data, and many of these apply only to certain types of data. Twenty-two states have adopted statutory provisions which expressly prescribe administrative, civil or criminal sanctions for violations of disposition reporting requirements, but research has failed to discover a single reported decision in which a criminal justice official has actually been penalized for failing to comply with disposition reporting requirements.

Statutes that impose transaction log requirements are the most common type of data quality provision other than disposition reporting. Thirty-three states have adopted statutory provisions that require criminal justice agencies to maintain logs identifying the recipients of criminal history record information and the dates of the disseminations. Statutes in 30 states require the central repositories to conduct some type of audit. Auditing is generally

15 “Disposition” is used here to mean post-arrest case processing information, including information relating to prosecution, court adjudication, sentencing and correctional status.


21 See, SEARCH Group, Inc., Liability for Mishandling Criminal Records (Sacramento, California: SEARCH Group, Inc., April 1984). There are reported decisions, however, penalizing officers for failing to file other types of reports, and one decision penalizing an agency for failing to make a required entry in a dissemination log.

22 Twenty-two of the 33 states that maintain dissemination logs have specific and relatively detailed transaction log requirements. The states are: Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Pennsylvania, South Carolina, Vermont, Virginia and Washington.

23 Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois,
viewed as one of the most effective data quality procedures. Statutes in 23 of these states require the central repository to conduct continuing or periodic audits of state and local agencies that submit records to the repository.\textsuperscript{24} The scope of this kind of local agency audit usually includes: (1) adherence by the local agency to federal and state regulations; (2) completeness and accuracy of criminal history record reporting; (3) adherence to dissemination standards; (4) implementation of appropriate security safeguards; and (5) compliance with mandated subject access and review provisions. Sixteen states require the repository to conduct an in-house audit of its own records, usually on an annual basis.\textsuperscript{25} In general, the scope of these audits parallels the scope of the audits of local agency systems. However, statutes in some of these states expressly require that the in-house audit also attempt to identify case cycles with dispositions which are likely to have occurred but which have not been reported. Statutes in 14 of the states require both an in-
house repository audit and audits of contributing agencies.\textsuperscript{26}

Finally, statutory provisions adopted in a few states impose other kinds of data quality requirements. Statutes in 14 states require state and local criminal justice agencies to query the central repository prior to disseminating criminal history record information in order to assure that the most up-to-date disposition information is being used.\textsuperscript{27}

Thirteen states have added provisions to their statutes that require the repository to implement some kind of delinquent disposition monitoring system (for example, a system designed to periodically identify arrest entries for which dispositions are probably available but not reported).\textsuperscript{28} Five states have adopted statutory provisions that specifically impose training requirements on personnel involved in entering data into criminal history record systems.\textsuperscript{29} Seven states have adopted statutory provisions that address the use of automated programs to provide systematic editing procedures for the purpose of detecting missing or nonconforming data.\textsuperscript{30} Six states have adopted statutory provisions that require the use of a “tracking system” that uses unique case cycle numbers or some other method to link disposition information to charge information.\textsuperscript{31}

Of course, in almost every state the bulk of data quality requirements are expressed in regulations or administrative policies and procedures, rather than in legislation. However, the extent to which state legislation addresses data quality issues is a reflection of a state’s concern about data quality.

It is clear, however, that the enactment of legislation and the issuance of regulations are not enough to solve the problem of data quality. While 52 states have adopted at least some standards for accuracy and completeness that reflect standards in the DOJ regulations, there is little question that the quality of criminal history data in this nation falls short of satisfactory. Disposition reporting — or the lack of reporting — remains the most serious deficiency, especially in terms of court disposition reporting. Next in importance is auditing. Numerous states have statutory provisions requiring ongoing systematic audits and annual in-house audits; in practice, however, many states have not made data quality auditing a priority sufficient to comply with existing standards.

The issue is commitment: the states must be committed to put into place, and practice, procedures to collect and maintain complete and accurate data, and to scrupulously and regularly conduct systematic audits to ensure compliance with those procedures.


\textsuperscript{25}Alaska, Arizona, California, Illinois, Kentucky, Louisiana, Maryland, Missouri, New Hampshire, North Carolina, Oregon, Pennsylvania, South Dakota, Texas and Wyoming. (Alaska requires in-house audits every two years. Arizona’s law requires “periodic” in-house audits.)

\textsuperscript{26}Alaska, Arizona, Kentucky, Louisiana, Maryland, Missouri, New Hampshire, North Carolina, Oregon, Pennsylvania, South Carolina, South Dakota, Texas and Wyoming.

\textsuperscript{27}Alaska, Arizona, Georgia, Hawaii, Louisiana, Maine, Missouri, Montana, Nevada, Oregon, Puerto Rico, South Carolina, Virginia and Washington.


\textsuperscript{29}Alabama, Alaska, Georgia, Kentucky and Louisiana.

\textsuperscript{30}Alaska, Connecticut, Hawaii, Kentucky, Nebraska, South Carolina and Virginia.

\textsuperscript{31}Kentucky, Missouri, Pennsylvania, Texas and Washington.
2. Access to criminal history records for noncriminal justice purposes

Background

Reversing a trend that began after issuance of the DOJ regulations, criminal history record information is increasingly becoming available outside of the criminal justice system. Even nonconviction information is now being made more available to noncriminal justice agencies. Twenty-nine states have adopted open record or freedom of information statutes that cover some types of criminal history record information. (See the Survey Comparison Table on page 15.) This does not mean that criminal history record information is publicly available in these states in all circumstances, but it does mean that some types of information are more available than before.

As a part of this trend, a majority of the states now permit access to some criminal history records by at least some types of noncriminal justice agencies and private entities. For example, special access rights are increasingly accorded to governmental agencies with national security missions and to licensing boards and some governmental and private employers screening applicants for sensitive positions, such as those involving public safety, supervision of children or custody of valuable property.

The Congressional efforts of the 1970s to enact federal legislation setting nationwide dissemination standards for state criminal history record systems failed. In addition, the LEAA regulations on criminal history record systems issued in 1975 did not undertake to set a uniform policy on noncriminal justice access, but instead essentially left the matter up to the legislatures and governors of the individual states. Section 20.21(b)(2) of the regulations provides that noncriminal justice access and use is permitted if “authorized by statute, ordinance, executive order, or court rule, decision or order as construed by appropriate State or local officials or agencies.”

This approach, though laudable from the standpoint of states’ rights, has resulted in a great diversity of statutory schemes in the states. It has also resulted in a steadily increasing volume of authorized noncriminal justice use. Findings of a national survey conducted in 1984 demonstrate that the state criminal record repositories were then handling over 2 million noncriminal justice access requests a year and it is certain that the volume of such requests has increased significantly since then. In several states, including California, Minnesota, Pennsylvania and South Carolina, noncriminal justice traffic is greater than total criminal justice use of the criminal record systems, and, in several other states, noncriminal justice use is 40 percent or more of total system use. In many of these states, every session of the legislature in recent years has resulted in new statutory authority for noncriminal justice agencies and groups to obtain criminal record checks for such purposes as public and private employment, occupational licensing, and the issuance of various permits, certifications and clearances.

As a result, it is probably safe to say that, in most states, present laws and policies on noncriminal justice access and use consist of a patchwork of statutory and regulatory provisions resulting from independent lobbying efforts by particular groups rather than from a comprehensive review of the issues and development of a consistent, balanced, statewide policy. It is literally true that no two state statutes on noncriminal justice access are identical. The following analysis of state statutory provisions confirms these observations.

State statutory provisions

State statutes governing dissemination of criminal history records for noncriminal justice purposes are so varied as to defy classification. A few states, including Michigan, Mississippi and New Jersey, have no statutory provisions setting statewide policies on noncriminal justice access; in these states, the DOJ regulations control access and use. In a few other states, including Maryland, New Hampshire, South Carolina and South Dakota, the statute does nothing more than delegate to a designated official the authority to issue rules and regulations on noncriminal justice dissemination. In states that do have laws dealing with the subject, the statutory approaches vary from those of Florida and Wisconsin, which are “open record” states where anyone can obtain access to criminal history records for any purpose, to that of Tennessee, which prohibits noncriminal justice access and use except for limited purposes specifically authorized by statute and makes it a criminal offense to release criminal history records for unauthorized purposes. The other states fall somewhere in between, with statutory approaches

that differ greatly as to what types of noncriminal justice agencies may have access to particular types of records for particular purposes.

There are, however, some patterns and similarities, due to the influence of the DOJ regulations. The regulations do not place any restrictions on the dissemination of conviction records or open arrest records (arrest records with no recorded disposition) less than one year old. Nonconviction records (favorable dispositions, including decisions not to refer or prosecute charges and indefinite postponements, and open arrest records over a year old and not actively pending) may be disseminated for any purpose authorized by statute, ordinance, executive order or court ruling. Most of the states have followed this approach of treating conviction records differently from nonconviction records. Commonly, the states place few or no restrictions on the dissemination of conviction records and a number of states also do not restrict the dissemination of open arrest records less than a year old. Nonconviction records are restricted to a greater degree and in some states may not be disseminated at all for noncriminal justice purposes or may be disseminated only for particular purposes under specified circumstances.

Another similarity among many states is that the statutory provisions do not specifically identify particular noncriminal justice agencies or organizations that may obtain criminal history records. Instead, they define classes or types of agencies or organizations that may obtain certain types of records for specified purposes. Out-of-state or federal agencies may be included, in addition to in-state, private and governmental agencies. The statutes may define permitted purposes in specific or more general terms. For example, some states authorize the use of criminal history records for any occupational licensing or employment purpose, while others authorize such use only for screening applicants for high-risk occupations, such as those involving the public safety, supervision of children, or custody of cash or valuable property or information.

Many of the laws also require that certain agencies or organizations must be able to show specific legal authority under other statutory provisions to obtain criminal records or that the need for the record must be approved by a designated board, council or official. The statutory provisions that require separate legal authority for certain types of agencies vary considerably from state to state. The requirement may simply provide that the requestor must be “authorized by law” or must have “legal authority” or that the records must be necessary for a “lawful purpose.” Such provisions are interpreted in some states as authorizing the dissemination of criminal records for employment and occupational licensing purposes where the employing or licensing agencies are required by law to screen out applicants who are not of “good moral character.” Other state criminal record statutes, however, authorize the release of records for noncriminal justice purposes only if the requesting agency is “expressly” authorized by some other provision of state or federal law to obtain criminal records for use in the course of official duties. This is a much stricter standard. Still stricter provisions authorize the release of criminal records only pursuant to statutory provisions that expressly refer to criminal conduct or to criminal records and contain requirements, exclusions or limitations based upon such conduct or records.

Where prior approval by a council, board or designated official is required for the release of criminal records for noncriminal justice purposes, the designated standard for approval varies among the states. For example, criminal record laws in New Hampshire and South Dakota delegate general discretion to the director of the criminal history record repository to determine who may have access, while Massachusetts law provides that the Criminal History Systems Board must find that the public interest in releasing criminal records to particular noncriminal justice requesters outweighs the security and privacy interests of the record subject.

Several states, including Alabama, Iowa, New Mexico, Ohio and South Dakota, require that the record subject must consent in writing to any release of his criminal history record for noncriminal justice purposes.

State dissemination policies

As evident from the discussion above, the criminal history record laws in many states provide only the framework for the state’s policies on dissemination. Specific legal authority for particular agencies or organizations to obtain criminal records may be set out in separate statutory provisions, executive orders

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33 For example, Alaska, Delaware, Kansas, Montana, North Carolina and West Virginia.

34 For example, Arizona, Arkansas, Indiana, Maine and Massachusetts.

35 For example, Connecticut, Illinois, Pennsylvania and Virginia.
or even local ordinances. In addition, the actual policies and practices of particular states may be set out in regulations or may be based upon written or unwritten repository policies. These policies and practices often provide for more restrictive dissemination approaches than the criminal record laws require them to be. That is, usually due to lack of staff and facilities, many state repositories do not provide records to all of the noncriminal justice agencies and organizations that are authorized to obtain them under their laws. In addition, many states impose administrative requirements that may not be required specifically by their laws. For example, some states require that the subject’s fingerprints be submitted with all requests for noncriminal justice access and that records may be released only when a fingerprint comparison positively verifies that the requested record relates to the subject of the request. All except a handful of the states charge fees ranging from $3.00 to $44.00 for processing noncriminal justice record searches.  

36 Interstate dissemination

Until recent years, the considerable disparity among state dissemination laws was not perceived as a serious obstacle to the interstate dissemination of criminal records for noncriminal justice purposes, such as employment and occupational licensing. This was due primarily to the fact that there was no effective system linking the state repositories together in such a way as to permit the efficient exchange of records from state to state for noncriminal justice purposes. National criminal record checks for noncriminal justice purposes have been feasible in the past only through use of the criminal files maintained in the FBI’s Criminal Justice Information Services Division (CJIS), which contain arrest and disposition information voluntarily submitted by criminal justice agencies throughout the country. Pursuant to federal laws and regulations, searches of these files are conducted for federal noncriminal justice agencies for such purposes as civilian employment, security clearances, military recruitment, alien registration, visas and other official purposes, and for federal and state law enforcement agencies for criminal justice employment purposes. Searches also are conducted for state and local governmental employment and licensing agencies with approved legal authority to request such searches and for employment in federally chartered or insured banks and designated segments of the securities and commodities industries.

Although the criminal files of the U.S. Department of Justice are made up primarily of arrest and disposition data submitted by state and local criminal justice agencies, these records are subject to federal law and are disseminated by the FBI pursuant to federal laws and regulations authorizing record checks for the agencies and organizations noted above. Under this program, inquiring federal agencies are provided with all of the information the FBI possesses on subject individuals, including favorable dispositions and open arrest records without regard to the age of the record. Responses provided to banks, securities firms and state employment and licensing agencies include the subject’s entire record with the exception of open arrests which are over a year old and not actively pending. Thus, because most states’ dissemination laws are more restrictive than the federal standard, it is possible for authorized federal and state noncriminal justice agencies to legally obtain state-contributed records from the FBI for purposes for which they could not, in some cases, obtain the records directly from the states where the records originated.

This system of duplicate state and federal files is being phased out because of concern for the disparity among state security and confidentiality laws and the expense of maintaining and updating records at both the state and federal levels. The system which is emerging replaces the “national repository” concept with a system based on a national index linking state repositories. This system is known as the Interstate Identification Index (usually referred to as “III” or “Triple I”). When the system is fully operational nationwide, the III index maintained at the national level will contain personal identification data on individuals whose criminal records are maintained in state criminal record repositories (state offenders) and in the criminal files of the FBI (federal offenders) but it will not contain any charge or disposition information. The index will serve as a “pointer” to refer inquiring criminal justice agencies to the state or federal files where complete criminal history records on inquired-upon individuals are maintained. The records will be exchanged directly between the states and between state and federal criminal justice agencies by means of telecommunications lines linking federal, state and local criminal justice agencies throughout the country. Dissemination and use of the records obtained from state repositories will be governed by the laws and policies of the individual
states, rather than by the uniform dissemination policy now used by the FBI.

It should be apparent that the disparity and restrictiveness of state dissemination laws will present serious obstacles to implementation of this type of interstate system as a viable successor to the national search system previously maintained by the FBI. First, programming the index to screen noncriminal justice requests on the basis of the wide variety of existing state laws and policies would be difficult, and the inquiry procedures would be complex. Second, pursuant to present state dissemination laws, substantially fewer records would be available to noncriminal justice agencies under the index-pointer approach than are now legally available to them from the FBI’s files. As pointed out earlier, this is because the dissemination laws of a majority of the states are considerably more restrictive than the FBI standard. Some states will provide no records to federal or out-of-state agencies and others will provide only convictions (sometimes only certain convictions) and perhaps open arrest records that are less than a year old. It seems likely that this level of service would be viewed by these agencies (and by other policymakers) as insufficient to satisfy their needs.

**Conclusion**

The absence of federal legislation or regulations establishing a uniform nationwide dissemination policy for state criminal record systems has permitted the states to develop and implement their own approaches to the release of criminal records for noncriminal justice purposes. This has had the laudable effect of leaving the states free to establish their own privacy and confidentiality laws and policies to strike a proper balance between the rights of record subjects and the public interest. However, this has also resulted in the evolution of widely varying state approaches, and in laws and policies in many states that are more restrictive than the federal standard that governs noncriminal justice use of the FBI’s files of state-contributed criminal history records. These factors are emerging as serious obstacles to the implementation of an “index-pointer” system for the interstate exchange of criminal records, such as the III system now being implemented. The ultimate success of this national program for the interstate exchange of criminal history records for noncriminal justice purposes will depend upon the willingness of many of the states to modify existing restrictions in their laws and policies in order to provide a comparable level of service to federal agencies and other noncriminal justice agencies that are now authorized to obtain records from the FBI.

A proposed interstate compact to implement the use of the III system for noncriminal justice purposes incorporates a noncriminal justice access and dissemination standard that is identical to the federal standard now applicable to the FBI’s Identification Division. Ratification of this compact by a state would have the effect of amending the state’s criminal record dissemination law in the manner suggested above, so that the state could make available the level of record service necessary for effective operation of the III system. The compact has been approved by the FBI Director and the Attorney General and is expected to be submitted for Congressional review in 1995. After approval by the Congress, to endorse the participation of the FBI in the system, the compact will be submitted to the States for ratification.
Section 2: Classification category definitions

The following are definitions of the 28 subject/matter categories into which state laws and regulations have been classified for both the individual and summary state tables in this Compendium.

1. **State regulatory authority.** A grant of power to a state agency to promulgate statewide security and privacy regulations for criminal justice information systems.

2. **Privacy and security council.** A state board, committee, commission or council whose primary statutory function is monitoring, evaluating or supervising the confidentiality and security of criminal justice information.

3. **Dissemination regulations.** Restrictions on dissemination of criminal history information.

4. **Inspection.** The right of an individual to examine his or her criminal history record.

5. **Right to challenge.** The right to an administrative proceeding in which an individual may contest the accuracy or completeness of his or her criminal history record.

6. **Judicial review of challenged information.** The right of an individual to appeal to a state court an adverse agency decision concerning challenged information.

7. **Purging nonconviction information.** The destruction or return to the individual of criminal justice information where no conviction has resulted from the event triggering the collection of the information.

8. **Purging conviction information.** The destruction or return to an individual of criminal history information indicating a conviction.

9. **Sealing nonconviction information.** The removal of criminal history information from active files where no conviction has resulted from the event triggering the collection of the information.

10. **Sealing conviction information.** The removal from active files of individual criminal history information indicating a conviction.

11. **Removal of disqualifications.** The restoration of rights and privileges such as public employment to persons who have had criminal history records purged or sealed.

12. **Right to state nonexistence of record.** The right to indicate in response to public or private inquiries the absence of criminal history in cases of arrest not leading to conviction or where an arrest or conviction record has been purged.

13. **Research access.** The provision for and regulation of access to criminal justice information by outside researchers.

14. **Accuracy and completeness.** A requirement that agencies institute procedures to ensure reasonably complete and accurate criminal history information, including the setting of deadlines for the reporting of prosecutorial and court dispositions.

15. **Dedication.** The requirement that computer configurations be assigned exclusively to the criminal justice function.

16. **Civil remedies.** Statutory actions for damages or other relief resulting from violations of privacy and security laws.

17. **Criminal penalties.** Criminal sanctions for violations of privacy and security laws.

18. **Public records.** Requirements that official records maintained by public officials be open to the public.

19. **Separation of files.** Requirements that criminal history information be stored separate from investigative and intelligence information.

20. **Regulation of intelligence collection.** Restrictions on the kind of intelligence information which may be collected and retained and/or prohibition on its storage in computerized systems.


22. **Security.** Requirements that criminal justice agencies institute procedures to protect their information systems from unauthorized disclosure, sabotage and accidents.

23. **Transaction logs.** Records which must be maintained by criminal justice agencies indicating when and to whom criminal justice information is disseminated.

24. **Training employees.** Security and privacy instruction which must be provided to employees handling criminal justice information.

25. **Listing of information systems.** A mandatory disclosure of the existence of all criminal justice information systems describing the information contained in such systems.

27. Freedom of Information Act (excluding criminal justice information). Provisions for public access to government records from which criminal justice records are specifically excluded.

28. Central state repository. Establishment of a bureau, agency or other entity to collect and maintain criminal history records or criminal identification data for all criminal justice agencies in the state.
Section 3: Summary tables of statutes and regulations by classification category

A. Survey comparison of changes in state statutes and regulations by classification category

The table on the following page graphically depicts comparative results of legislative survey findings for the years 1974, 1978, 1979, 1981, 1984, 1987, 1989, 1991 and 1994, which track changes in state security and privacy statutes and regulations by classification category. The reader should note, however, that each survey year is included in the results of the succeeding survey, with the cumulative sum of the legislative activity reflected in the current survey year.

The table shows that the leveling trend detected in the 1984 survey has continued. Surveys through 1981 showed significant increases in the number of states enacting new laws or regulations in most categories. In recent years, however, state legislative activity dealing with criminal records has slowed. New or significantly amended provisions have been enacted by only a few states in a few categories. This probably reflects two developments. First, most of the states have now settled on the basic approach they favor concerning the regulation of the maintenance and use of criminal records, and recent legislation has dealt with refinements in existing laws rather than enactment of new initiatives. Second, the basic principles of security and privacy reflected in the federal regulations have become widely recognized and understood by criminal justice officials, and procedures to prevent abuses have been established and enforced. As a result, security and privacy issues and concerns are not as prevalent as they were in the late 1960s and early 1970s, when the states were beginning to wrestle with the problem of compliance with the regulations.

As a result, the survey comparison table shows that, in many categories, the numbers for 1994 are the same as those for 1984 through 1992. In most of the others, the numbers reflect new enactments by only one or two states.
### Survey comparison of changes in state statutes and regulations by classification category*

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*The figures presented are cumulative and may include statutes or regulations previously enacted but excluded from prior surveys.

**Data are unavailable for these years.
B. Summary of state statutes and regulations by classification category

The tables on the following pages, titled “Summary of state statutes and regulations by classification category,” contain detailed matrixes summarizing state statutes and regulations through July 1994. For easy reference, the table for each classification category is organized alphabetically by state, and the matrix references are keyed to section numbers of the state codes.

These summary tables, and all other tables in this *Compendium*, reflect the laws of 53 jurisdictions: the 50 states and the District of Columbia, Puerto Rico and the Virgin Islands. The citations are to official compilations of state laws and regulations. Only title and section numbers are set out in these summary tables. For the full titles of the compilations to which the citations refer, please refer to Section 4, page 45.
Summary of state statutes and regulations by classification category

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Full titles of state code compilations are set out in individual state tables in Section 4.
Full titles of state code compilations are set out in individual state tables in Section 4.
### Summary of state statutes and regulations by classification category

#### 3. Dissemination regulations

| AL | 32-2-60 thru 32-2-62; 41-9-621; 41-9-621(6); 41-9-639; 41-9-642; Reg. 003; 26-1-4 |
| AK | 12.62.160(b)(1), (2), (4), (5), (6), (8), (9), (10) 41-1606.02; 41-2204.6; 8-230.02; 4-202.E; 8-105; 28-414.E; 41-1750.G; 41-1750.G.1 and .2; 36-883.02; 41-1964 |
| AZ | 12-12-211, 1008, 1009 and 1010 Pen. Code. 13203; 11105, 11105.2, 3, 4; 13300; 291; 291.1; 291.5; Ed. Code 45126, 88025; Fin. Code 777.5, 14409.2, 6525; Lab. Code 432.7(f)(1); Step Foundation, Inc. v. Younger (App 1979); 157 Cal. Rptr. 117 |
| CA | 24-72-305 Reg. 1 DCMR 1004.1 et seq., 14-2-1; 14-2A-1; 28-2-3; 29-3-2, 3; 29-10-4, 5, 6, 7; 32A-2-32; 32A-3B-22; 32A-15-3 |
| CO | 53-1-16, 17; NJAC 13:59-1.8(A) and (D) 16-612(3); 16-612(3)(A), (B); 16-612(A) 16-613(1), (2), 16-615; 16-617 |
| CT | 35-3-33, 34, 35; 42-8-65; Reg. 140-2-.04(1)(b), (e), (e)1., (f), (f)2.; Reg. 140-2-.04(2)(b), (c), (g) |
| DC | 45-27-7(d)(d) |
| FL | 943.053, 943.059; 943.0573, 943.0585; Reg. 11C-6, 11C-7; 119.07 |
| GA | 44-5-214; 44-5-301 through 303 |
| HI | 3. Dissemination regulations 17.150; 17.160; 17.165; Reg. 502 KAR 30.060 |
| ID | 44-3; Reg. LAC 1-18:6(3); 40-1300.41 |
| IL | 28.243, 244; Regs. 28.5201; 28.8210;15.231 et seq.; Gov. Exec. Ord. 1990.10 |
| IN | 299.C.13; 13.82; 13.82, Subd. 15 |
| IA | 29-210; 29-3520; 29-3523 |
| KS | 179A, 100 et seq. |
| KY | Gen. 106-B:14; 106-B:14a 3-10128(b) |
| LA | 45-27-7(d)(d) |
| ME | 493.055, 943.0573, 943.0585; Reg. 11C-6, 11C-7; 119.07 |
| MI | 44-5-214; 44-5-301 through 303 |
| MN | 29-210; 29-3520; 29-3523 |
| MS | 179A, 100 et seq. |
| MO | Gen. 106-B:14; 106-B:14a Reg. 3-10128(b) |
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| NE | 41-9-621; 41-9-621(6); Reg. 003; 26-1-4 |
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| NC | 35-3-33, 34, 35; 42-8-65; Reg. 140-2-.01; Reg. 140-2-.04(1)(b), (e), (e)1., (f), (f)2.; Reg. 140-2-.04(2)(b), (c), (g) |
| ND | 846-9; 463-5 et seq. 45-27-7(d)(d) |
| OH | 109.57(A), Rule 109-5-1-01 |
| OK | 74-150.9 & 9(B), (C); 51-24A.2&A.8 |
| OR | 181.555(1), (2); 181.560(1)ib |
| PA | 8-19712(a), (b); 18-9124; 18-9125 |
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| TN | 62-26-201-230; 4-36-202; 45-6-206; 37-1-408; 62-35-107; 38-6-106; 40-15-106(b), (c)(1); 40-32-101(b), (c)(1); 10-7-504(a)(2); 62-35-107; Regs. § 1395-1-1-09, 09(3); Op. Atty. Gen. (Feb. 28, 1984) |
| TX | 53-5-214; 53A-3-410; 77-18-2 |
| UT | 157.100, 120; 43.540; Reg. LAC 1-18:6(3); 40-1300.41 |
| VT | 27-749; Regs. 28.5201; 28.8210;15.231 et seq.; Gov. Exec. Ord. 1990.10 |
| WA | 179A, 100 et seq. |
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| WI | 179A, 100 et seq. |
| WY | 179A, 100 et seq. |

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| AL  | 32-2-60 through 32-2-62; 41-9-621; 41-9-643 |
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| AZ  | 41-1750.G.5; Reg. 13-1-08 |
| AR  | 12-12-211 |
| CA  | Pen. Code 13323, 11122, 11124 |
| CO  | 24-72-301, 303, 306 |
| CT  | 54-142k |
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| DC  | 1-1522; 4-135; Duncan Ord. 3,4,5 |
| FL  | Reg. 1IC-8; 943.056 |
| GA  | 35-3-37; 35-3-37(b); Reg. 140-2-10 |
| HI  | 92E-7; 846-14 |
| ID  | 9-342; 19-4812 |
| IL  | 20-2630/7 |
| IN  | 5-2-5-8 |
| IA  | Regs. 661-11.4,.5; 692.5 |
| KS  | 22-4709; 22-4711; Reg. 10-13-2 |
| KY  | 17.150; 61-874, 61-884; Reg. 502 KAR 30-070 |
| LA  | 15:588; Reg. LAC 1-18:3(9) |
| ME  | 16-620(1) |
| MD  | 27-751; Reg. 12.15.01.05 |
| MA  | 6-175; Reg. 803 CMR 6.02 through 6.06 |
| MI  | 15.233; 15.235; Regs. 28.5210 |
| MN  | 13.0(3); 13.04, Subd. 3 |
| MS  | 45-27-11 |
| MO  | Reg. CSR 30-3.070 |
| MT  | 44-5-214 |
| NE  | 29-3520; 29-3525 |
| NV  | 179A.150 |
| NH  | Reg. 3.B.9 |
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| NM  | CPL160.50, Subd. 1.(d); CPL 160.55, Subd. 1.(d), Reg. 9 NYCRR 6050.1 |
| NY  | Reg. NCAC 4F.0404 |
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Full titles of state code compilations are set out in individual state tables in Section 4.
Summary of state statutes and regulations
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Full titles of state code compilations are set out in individual state tables in Section 4.
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| CO  | 54-142a, 54-142b |
| DE  | 33-541(c); SCR-Crim. 118, 32(g) |
| FL  | 943.059; Reg. 11C-7 |
| GA  | 831-3.1; 712-1256 |
| HI  | 35-38-5.5    |
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| KS  | 12.4516; 21-4619 |
| KY  | 44:9         |
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| MD  | 94C-34; 127-152; 276-100A,B,C Reg. 803, CMR 7.02 |
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| MO  | 610.106; 610.120 |
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| NJ  | 2C:52-2; 2C:52-3; 2C:52-4.5 |
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| NC  | CPL 160.55(1)(c); CPL 720.15 |
| ND  | OH 2953.32   |
| OK  | 22-18 and 19; 22-991c; 63-2-410 |
| OR  | 137.225(1)(a) |
| PA  | PR           |
| PR  | RI 12-1.3-2  |
| SC  | SD 23A-27-14 and 17 |
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| UT  | VI           |
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Full titles of state code compilations are set out in individual state tables in Section 4.
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Full titles of state code compilations are set out in individual state tables in Section 4.
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Full titles of state code compilations are set out in individual state tables in Section 4.
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| CA  | 24-72-305; 30-10-101 |
| CO  | 4-197 |
| CT  | 11-8514, 8523; 29-10005; 11-1448A |
| DE  | 1-1527 |
| FL  | 119.02 |
| GA  | 35-3-39 |
| HI  | 20-2635/1 et seq. |
| ID  | 12.62.200 |
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| IA  | 22-4707 |
| KY  | 61.882; 17.157 |
| LA  | 15:596 |
| ME  | 25-1550 |
| MD  | Reg. 12.15.01.10; 27-753 |
| MA  | 6-168; 6-177; Reg. 803 CMR 5.06, 6.08(4) |
| MI  | 299C:21; 13.08 |
| MN  | 84-712.03, 07; 29-3528 |
| MS  | 44-2-205; 44-5-112 |
| MO  | 179A.230 |
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| NE  | 47:1A-4; 53:1-20 |
| NJ  | 14-2-12 |
| NY  | Exec. Law 837-b(3); Corr. Law 755 |
| NC  | Reg. NCAC 4G.0201 |
| ND  | 149.99; 1347.10 |
| OK  | 192.490 |
| OR  | 18-9181, 9183 |
| PA  | 12-1.3-4; 12-1-12 |
| SC  | 23-1-90; 30-4-100 |
| SD  | Reg. 2:02:04:03 |
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## 17. Criminal penalties

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| MN  | 13.09; 364.10               |
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| MO  | 109.180; 610.115            |
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| VT  | 20-2054(b)                  |
| WI  | 946.72(1)                   |
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## 21. Regulation of intelligence dissemination

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Full titles of state code compilations are set out in individual state tables in Section 4.
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| CO | 54-142h(c) |
| CT | 11-8513(e); 11-1448A; Reg. 1.5 |
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| FL | 35-3-33(2); Reg. 140-2-.06 |
| GA | 946-6 |
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| IN | Reg. LAC 1-18:6(6); Reg. LAC 1-18:9(2C) |
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| MD | Reg. 12.15.01,10 through .12 |
| MA | 6-172; Reg. 803 CMR 2.06(1), 310 |
| MI | Regs. 28.5105 |
| MN | Reg. 257-10-035 |
| MS | 45-27-7(2)(b) |
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| NE | 179A.130 |
| NH | Reg. 3.C.4 |
| NJ | 9-192; Reg. 2.3(5), 3.6 |
| NM | 10.97.050(7) |
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| NC | 12-60-16.3 and Administrative Rules |
| ND | 7-19-106(h) |

Full titles of state code compilations are set out in individual state tables in Section 4.
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### by classification category

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Full titles of state code compilations are set out in individual state tables in Section 4.
## Summary of state statutes and regulations
by classification category

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Full titles of state code compilations are set out in individual state tables in Section 4.
### Summary of state statutes and regulations by classification category

**27. FOIA (excluding CJI)**

| AL | 12.62.160(a) |
| AK | 39-121.01 |
| AZ | 12-12-909; 12-12-1003; 25-19-105 |
| AR | Gov. Code 6254 |
| CA | 4-190(i) |
| CO | 29-10002(d)(4) |
| CT | 119.07 |
| DE | 92-50; 92E-3 |
| DC | 9-337 |
| FL | 5-140(7)(1)(d) |
| GA | 692.18 |
| HI | NH | 106-B:14; 91-A:5 |
| ID | NJ | Exec. Order 123 |
| IL | NM | |
| IN | NY | Pub. Off. Law 87(2)(e) |
| IA | NC | |
| KS | ND | |
| KY | OH | 109.57(D); 1347.04 |
| LA | 44:3(4) |
| ME | 1-401; 16-614(4A) |
| MD | State Gov't Code §§10-611 et seq. |
| MA | |
| MI | |
| MN | |
| MS | |
| MO | |
| MT | |
| NE | |
| NV | |
| NH | 2.1-342(b)(1); 2.1-384(3), (7) |
| NJ | Exec. Order 123 |
| NY | Pub. Off. Law 87(2)(e) |
| NC | |
| ND | |
| OH | 109.57(D); 1347.04 |
| OK | 51-24A.8 |
| OR | 192.500 |
| PA | |
| PR | 38-2-1 |
| RI | 38-2-1 |
| SC | |
| SD | 40-15-106(b), (c)(1); 40-32-101(b), (c)(1); 10-7-504 |
| TN | TRCS Art. 6252-17a(3)(a)(8) |
| TX | UT | 63-2-59 et seq. |
| UT | 1-317(b)(5); 20-2056 |
| VT | 29B-1-4 |
| WI | 16-4-201; 9-1-627 |

Full titles of state code compilations are set out in individual state tables in Section 4.
# Summary of state statutes and regulations by classification category

## 28. Central state repository

| AL  | 41-9.591                  |
| AK  | 12.62.110(1)              |
| AZ  | 41-1750.A; 41-2205        |
| AR  | 12-12-201, 207, 208; 12-12-1001 |
| CA  | Pen. Code 11105          |
| CO  | 24-33.5-401; 24-33.5-412  |
| CT  | 29-11                     |
| DE  | 11-8501(b)(1)             |
| DC  | 4-132                     |
| FL  | 943.051                   |
| GA  | 35-3-31                   |
| HI  | 846-2.2.5                 |
| ID  | 19-4812                   |
| IL  | 20-2630/8; 20-2605/55(a)  |
| IN  | 5-2-5-2; 10-1-1-12; 10-1-2,5-1 |
| IA  | 690.1                     |
| KS  | 22-4705                   |
| KY  | 17.140; 17.151            |
| LA  | 15:578(1)                 |
| ME  | 25-1541                   |
| MD  | 27-747(b); Reg. 12.15.01.04 |
| MA  | 6-168                     |
| MI  | 28.241 et seq.            |
| MN  | 299C.05, .06, .09        |
| MS  | 45-27-7(1)(a)             |
| MO  | 43.500; 43-540             |
| MT  | 44-5-213                  |
| NE  | 29-209, 210               |
| NV  | 179A.075.1                |
| NH  | 106-B:14                  |
| NJ  | 53:1-13                   |
| NM  | 29-3-1                    |
| NY  | Exec. Law 837(6)          |
| NC  | 114-10.1; 132-1.4         |
| ND  | 12-60-07                  |
| OH  | 1019.57(C)                |
| OK  | 74-150.9                  |
| OR  | 181.066                   |
| PA  | 18-9.101                  |
| PR  | Act 1, 13; Reg. 6        |
| RI  | 12-1-7                    |
| SC  | 23-3-110                  |
| SD  | 23-5-1 and 2; 23-6-1      |
| TN  | 38-6-101; 38-10-101 et seq. |
| TX  | Code Crim. Proc., art. 60.02; Gov't Code 411.042 |
| UT  | 53-5-203; 53-5-214(5)     |
| VT  | 20-2051; Reg. 3.10      |
| VI  |                          |
| VA  | 19.2-388                  |
| WA  | 43.43.700                 |
| WV  | 15-2-24                   |
| WI  | 165.83, 84                 |
| WY  | 7-19-107(a)               |

Full titles of state code compilations are set out in individual state tables in Section 4.
This section of the *Compendium* sets forth (1) a list of the full titles of the official compilations of each state’s laws and regulations, (2) the full titles for each classification category and subcategory, and (3) the citations for that particular category or subcategory which indicate section numbers of the state codes. These summary tables listing state criminal history record privacy and security laws and regulations are set out in alphabetical order by state.

The purpose of this collection is to make available to the researcher the variety of approaches and alternatives taken by the states with regard to their criminal history information practices. However, please note that this effort is current through August 1994; thus, further review of a particular state’s legislation may be appropriate to include more recent enactments.

Readers are reminded that the full text of the state laws cited herein is available free in microfiche form from the National Criminal Justice Reference Service. A full, hard-copy library of the statutes is available from SEARCH, The National Consortium for Justice Information and Statistics.
State code titles

Alabama Code
Alaska Statutes
Arizona Revised Statutes Annotated
Arkansas Statutes Annotated
California (Codes listed on summary table)
Colorado Revised Statutes
Connecticut General Statutes Annotated (West)
Delaware Code Annotated
District of Columbia Code
Florida Statutes Annotated
Georgia Code of 1981
Hawaii Revised Statutes
Idaho Code
Illinois Compiled Statutes
Indiana Code Annotated
Iowa Code Annotated (West)
Kansas Statutes Annotated
Kentucky Revised Statutes Annotated (Baldwin)
Louisiana Revised Statutes Annotated (West)
Maine Revised Statutes
Maryland Annotated Code of 1957
Massachusetts General Laws Annotated (West)
Michigan Compiled Laws Annotated
Minnesota Statutes Annotated
Mississippi Code Annotated
Missouri Annotated Statutes (Vernon)
Montana Revised Codes Annotated
Nebraska Revised Statutes
Nevada Revised Statutes
New Hampshire Revised Statutes Annotated
New Jersey Statutes Annotated (West)
New Mexico Statutes Annotated
New York (Codes listed on summary table)
North Carolina General Statutes
North Dakota Century Code
Ohio Revised Code Annotated (Page)
Oklahoma Statutes Annotated (West)
Oregon Revised Statutes
Pennsylvania Consolidated Statutes Annotated (Purdon)
Puerto Rico Laws Annotated
Rhode Island General Laws
South Carolina Code
South Dakota Compiled Laws Annotated
Tennessee Code Annotated (Vernon)
Texas Codes Annotated (Vernon)
Utah Code Annotated
Vermont Statutes Annotated
Virgin Islands Code Annotated
Virginia Code
Washington Revised Code Annotated
West Virginia Code
Wisconsin Statutes Annotated (West)
Wyoming Statutes
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<th>Category</th>
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