

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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1

HOUSE BILL 980

Short Title: Criminal History Check/Employees.

(Public)

Sponsors: Representatives Anderson; and Justus.

Referred to: Judiciary III.

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO RENAME THE DIVISION OF CRIMINAL STATISTICS AND TO
3 AUTHORIZE IT TO PROVIDE CRIMINAL RECORD CHECKS TO
4 EMPLOYEES WHO PROVIDE DIRECT CAREGIVING SERVICES TO THE
5 PUBLIC.

6 The General Assembly of North Carolina enacts:

7 Section 1. Article 3 of Chapter 114 of the General Statutes reads as rewritten:

8 "ARTICLE 3.

9 "**DIVISION OF CRIMINAL STATISTICS.-INFORMATION.**

10 "**§ 114-10. Division of Criminal Statistics.-Information.**

11 The Attorney General shall set up in the Department of Justice a division to be
12 designated as the Division of Criminal ~~Statistics.-Information.~~ There shall be assigned to
13 this Division by the Attorney General duties as follows:

- 14 (1) To collect and correlate information in criminal law administration,
15 including crimes committed, arrests made, dispositions on preliminary
16 hearings, prosecutions, convictions, acquittals, punishment, appeals,
17 together with the age, race, and sex of the offender, and such other
18 information concerning crime and criminals as may appear significant
19 or helpful. To correlate such information with the operations of
20 agencies and institutions charged with the supervision of offenders on
21 probation, in penal and correctional institutions, on parole and pardon,
22 so as to show the volume, variety and tendencies of crime and
23 criminals and the workings of successive links in the machinery set up
24 for the administration of the criminal law in connection with the

1 arrests, trial, punishment, probation, prison parole and pardon of all
2 criminals in North Carolina.

3 (2) To collect, correlate, and maintain access to information that will assist
4 in the performance of duties required in the administration of criminal
5 justice throughout the State. This information may include, but is not
6 limited to, motor vehicle registration, drivers' licenses, wanted and
7 missing persons, stolen property, warrants, stolen vehicles, firearms
8 registration, drugs, drug users and parole and probation histories. In
9 performing this function, the Division may arrange to use information
10 available in other agencies and units of State, local and federal
11 government, but shall provide security measures to insure that such
12 information shall be made available only to those whose duties,
13 relating to the administration of justice, require such information.

14 (3) To make scientific study, analysis and comparison from the
15 information so collected and correlated with similar information
16 gathered by federal agencies, and to provide the Governor and the
17 General Assembly with the information so collected biennially, or
18 more often if required by the Governor.

19 (4) To perform all the duties heretofore imposed by law upon the Attorney
20 General with respect to criminal ~~statistics~~-information.

21 (5) To perform such other duties as may be from time to time prescribed
22 by the Attorney General.

23 **"§ 114-10.1. Police Information Network.**

24 (a) The Division of Criminal ~~Statistics~~-Information is authorized to establish,
25 devise, maintain and operate, under the control and supervision of the Attorney General,
26 a system for receiving and disseminating to participating agencies information
27 collected, maintained and correlated under authority of G.S. 114-10 of this Article. The
28 system shall be known as the Police Information Network.

29 (b) The Attorney General is authorized to cooperate with the Division of Motor
30 Vehicles, Department of Administration, Department of Correction and other State,
31 local and federal agencies and organizations in carrying out the purpose and intent of
32 this section, and to utilize, in cooperation with other State agencies and to the extent as
33 may be practical, computers and related equipment as may be operated by other State
34 agencies.

35 (c) The Attorney General, after consultation with participating agencies, shall
36 adopt rules and regulations governing the organization and administration of the Police
37 Information Network, including rules and regulations governing the types of
38 information relating to the administration of criminal justice to be entered into the
39 system, and who shall have access to such information. The rules and regulations
40 governing access to the Police Information Network shall not prohibit an attorney who
41 has entered a criminal proceeding in accordance with G.S. 15A-141 from obtaining
42 information relevant to that criminal proceeding. The Attorney General may call upon
43 the Governor's Committee on Law and Order for advice and such other assistance that
44 the Committee may be authorized to render.

1 "§ 114-11. Repealed by Session Laws 1969, c. 1190, s. 57.

2 "§ 114-11.1. Repealed by Session Laws 1965, c. 310, s. 4.

3 "**§ 114-11.2. Authority to provide criminal history checks to employers.**

4 The Division of Criminal Information may provide at the fee set forth in G.S. 114-
5 19.1 a criminal history check on an applicant, with the applicant's consent, to any
6 employer. These criminal history checks shall only be obtained through the Division's
7 offices in Raleigh. However, the Division shall give priority to requests for criminal
8 history checks to law enforcement agencies. The Attorney General may adopt rules to
9 implement this section."

10 Sec. 2. The Revisor of the Statutes shall change any remaining references to
11 the "Division of Criminal Statistics" in the General Statutes to the "Division of Criminal
12 Information."

13 Sec. 3. This act is effective upon ratification.