

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 629

Rules and Operation of the Senate Committee Substitute with Amendment Adopted 6/15/95

Short Title: CJIN Board/Funds.

(Public)

Sponsors:

Referred to: Appropriations

April 11, 1995

A BILL TO BE ENTITLED  
AN ACT CREATING THE CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD AND APPROPRIATING FUNDS TO THE OFFICE OF STATE BUDGET AND MANAGEMENT FOR THE WORK OF THE CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

**"ARTICLE 67.**

**"CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD.**

**"§ 143-641. Definitions.**

As used in this Article:

- (1) 'Board' means the Criminal Justice Information Network Governing Board established by G.S. 143-642.
- (2) 'Local government user' means a unit of local government of this State having authorized access to the Network.
- (3) 'Network' means the Criminal Justice Information Network established by the Board pursuant to this Article.

1           (4) 'Network user' or 'User' means any person having authorized access to  
2           the Network.

3           (5) 'State agency' means any State department, agency, institution, board,  
4           commission, or other unit of State government.

5 **"§ 143-642. Criminal Justice Information Network Governing Board – Creation;**  
6 **purpose; membership; conflicts of interest.**

7           (a) The Criminal Justice Information Network Governing Board is established  
8 within the Office of State Budget and Management to operate the State's Criminal Justice  
9 Information Network, the purpose of which shall be to provide the governmental and  
10 technical information systems infrastructure necessary for accomplishing State and local  
11 governmental public safety and justice functions in the most effective manner by  
12 appropriately and efficiently sharing criminal justice information among law  
13 enforcement, judicial, and corrections agencies. The Board is established within the  
14 Office of State Budget and Management for organizational and budgetary purposes only  
15 and the Board shall exercise all of its statutory powers in this Article independent of  
16 control by the Office of State Budget and Management.

17           (b) The Board shall consist of 13 members, appointed as follows:

18           (1) Two members appointed by the Governor, including one member who  
19 shall be a director or employee of a State correction agency for a term to  
20 begin September 1, 1995, and to expire on June 30, 1999, and one  
21 member selected from a list of at least three names submitted to the  
22 Governor by the North Carolina Association of Chiefs of Police for a  
23 term to begin September 1, 1995, and to expire on June 30, 1997.

24           (2) Four members appointed by the General Assembly in accordance with  
25 G.S. 120-121, as follows:

26           a. Two members recommended by the President Pro Tempore of  
27 the Senate, including one member of the general public for a  
28 term to begin on September 1, 1995, and to expire on June 30,  
29 1997, and one member who shall be selected from a list of at  
30 least three names submitted to the President Pro Tempore by the  
31 North Carolina League of Municipalities and who shall be a  
32 member of or an employee working directly for the governing  
33 board of a North Carolina municipality for a term to begin on  
34 September 1, 1995, and to expire on June 30, 1999; and

35           b. Two members recommended by the Speaker of the House of  
36 Representatives, including one member of the general public for  
37 a term to begin on September 1, 1995, and to expire on June 30,  
38 1999, and one member selected from a list of at least three names  
39 submitted to the Speaker by the North Carolina Association of  
40 County Commissioners, and who shall be a member of or an  
41 employee working directly for the governing board of a North  
42 Carolina county for a term to begin on September 1, 1995, and to  
43 expire on June 30, 1997.

- 1           (3) Two members appointed by the Attorney General, including one  
2 member who shall be an employee of the Attorney General for a term to  
3 begin on September 1, 1995, and to expire on June 30, 1997, and one  
4 member from a list of at least three names submitted to the Attorney  
5 General by the North Carolina Sheriffs' Association for a term to begin  
6 on September 1, 1995, and to expire on June 30, 1999.
- 7           (4) Four members appointed by the Chief Justice of the North Carolina  
8 Supreme Court, including the Director or an employee of the  
9 Administrative Office of the Courts for a term to begin on September 1,  
10 1995, and to expire on June 30, 1997, one clerk of the superior court for  
11 a term to begin on September 1, 1995, and to expire on June 30, 1997,  
12 one judge of the trial division of the General Court of Justice for a term  
13 to begin on September 1, 1995, and to expire on June 30, 1999, and one  
14 district attorney or employee of a district attorney for a term to begin on  
15 September 1, 1995, and to expire on June 30, 1999.
- 16           (5) One member appointed by the Chair of the Information Resource  
17 Management Commission, who shall be the Chair or a member of that  
18 Commission for a term to begin on September 1, 1995, and to expire on  
19 June 30, 1999.

20           The respective appointing authorities shall appoint to the Board persons having a  
21 background in and familiarity with criminal information systems and networks generally  
22 and with the criminal information needs and capacities of the constituency from which  
23 the member is appointed.

24           As the initial terms expire, subsequent members of the Board shall be appointed to  
25 serve four-year terms. At the end of a term, a member shall continue to serve on the  
26 Board until a successor is appointed. A member who is appointed after a term is begun  
27 serves only for the remainder of the term and until a successor is appointed. Any  
28 vacancy in the membership of the Board shall be filled by the same appointing authority  
29 that made the appointment, except that vacancies among members appointed by the  
30 General Assembly shall be filled in accordance with G.S. 120-122.

31           (c) Members of the Board shall not be employed by or serve on the board of  
32 directors or other corporate governing body of any information systems, computer  
33 hardware, computer software, or telecommunications vendor of goods and services to the  
34 State or to any unit of local government in the State. No member of the Board shall vote  
35 on an action affecting solely the member's own State agency or local governmental unit  
36 or specific judicial office.

37 **"§ 143-643. Compensation and expenses of Board members; travel reimbursements.**

38           Members of the Board shall serve without compensation but may receive travel and  
39 subsistence as follows:

- 40           (1) Board members who are officials or employees of a State agency or unit  
41 of local government, in accordance with G.S. 138-6.  
42           (2) All other Board members, at the rate established in G.S. 138-5.

43 **"§ 143-644. Powers and duties.**

1 (a) The Board shall have the following powers and duties:

2 (1) To establish and operate the Network as an integrated system of State  
3 and local government components for effectively and efficiently storing,  
4 communicating, and using criminal justice statistics at the State and  
5 local levels throughout North Carolina's law enforcement, judicial, and  
6 corrections agencies, with the components of the Network to include  
7 electronic devices, programs, data, and governance and to set the  
8 Network's policies and procedures.

9 (2) To determine and establish uniform standards, consistent with any  
10 applicable standards adopted by the Information Resource Management  
11 Commission, for entering, storing, and transmitting information in  
12 criminal justice databases.

13 (3) To evaluate the capacity of available information technology to meet the  
14 present and future needs of the users of the Network and the costs and  
15 benefits of adopting any present or prospective information technology  
16 for the Network.

17 (4) To develop and promulgate technical standards that achieve maximum  
18 compatibility among user technologies while assuring maximum user  
19 freedom in adopting technologies.

20 (5) To identify the funds needed to establish and maintain the Network,  
21 identify public and private sources of funding, and secure funding for  
22 the Board.

23 (6) To receive funds appropriated or granted to the Board and to use those  
24 funds to:

25 a. Create the Network and to facilitate the sharing of information  
26 among users of the Network;

27 b. Develop elements of the Network which are the responsibility of  
28 the State;

29 c. Make grants to local government users to enable them to acquire  
30 or improve elements of the Network that lie within the  
31 responsibility of their agencies, provided that the elements  
32 developed with such funds must be available for use by the State  
33 or by local governments without cost; and

34 d. Make grants to local government users to enable them to acquire  
35 or improve elements of the Network that lie within the  
36 responsibility of one or more State agencies, provided that:

37 1. The State agencies must join in the request for funding,  
38 and

39 2. The elements developed with such funds must be  
40 available for use by the State or by local governments  
41 without cost, if the State agency or agencies certify that  
42 the element advances the State's ability to meet its goal of  
43 having an integrated criminal justice information network.

1           (7) To coordinate and assist the Network users of this State in soliciting  
2 bids for information technology hardware, software, and services in  
3 order to assure compliance with the Board's technical standards, to gain  
4 the most advantageous contracts for the Network users of this State, and  
5 to assure financial accountability where State funds are used.

6           (8) To provide liaison among local government users and provide assistance  
7 for the financial and systems planning for Network related automation.

8           (9) To facilitate the sharing of knowledge about information technologies  
9 among users of the Network.

10          (10) To be an advocate for the Network and the needs of its users in  
11 connection with legislation affecting the Network.

12          (11) To take any other appropriate actions to foster the development of the  
13 Network.

14          (b) All grants or other uses of funds appropriated or granted to the Board shall be  
15 conditioned on compliance with the Board's technical and other standards.

16 **"§ 143-645. Election of officers; meetings; staff; etc.**

17          (a) The Governor shall call the first meeting of the Board. At the first meeting, the  
18 Board shall elect a chair and a vice-chair, each to serve a one-year term, with subsequent  
19 officers to be elected for one-year terms. The Board shall hold at least two regular  
20 meetings each year, as provided by policies and procedures adopted by the Board. The  
21 Board may hold additional meetings upon the call of the chair or any three Board  
22 members. A majority of the Board membership constitutes a quorum.

23          (b) The Board shall employ a full-time Executive Director who shall have  
24 appropriate training and experience to assist the Board in the performance of its duties.  
25 The Executive Director shall be exempt from coverage under the State Personnel Act and  
26 shall serve at the pleasure of the Board. The salary of the Executive Director shall be set  
27 by the Governor upon the recommendation of the Board.

28          (c) The Executive Director may employ such other full or part-time staff and  
29 contract for such services as may be necessary or appropriate to assist the Board in the  
30 performance of its duties, as funds permit. Staff employed by the Executive Director  
31 shall be exempt from coverage under the State Personnel Act and shall serve at the  
32 pleasure of the Executive Director. The salaries of such staff shall be set by the  
33 Executive Director.

34          (d) The Board may meet in an area provided by the Office of State Budget and  
35 Management, and the Board's staff shall use space provided by the Office of State Budget  
36 and Management."

37           Sec. 2. G.S. 143B-426.32(a) is amended by adding a new subdivision:

38           "(9) The Chair of the Criminal Justice Information Network Governing  
39 Board."

40           Sec. 3. There is appropriated from the General Fund to the Office of State  
41 Budget and Management the sum of four hundred thousand dollars (\$400,000) for the  
42 1995-96 fiscal year and the sum of five hundred thousand dollars (\$500,000) for the  
43 1996-97 fiscal year for the expenses of the Criminal Justice Information Network

1 Governing Board, including staff salaries and benefits; and there is further appropriated  
2 from the General Fund to the Office of State Budget and Management the sum of one  
3 million, five hundred thousand dollars (\$1,500,000) for the 1995-96 fiscal year and  
4 fourteen million, five hundred thousand dollars (\$14,500,000) for the 1996-97 fiscal year  
5 for the implementation, establishment and operation of the Network.

6           Sec. 4. This act becomes effective July 1, 1995.