

**CHAPTER 59
CRIMINAL HISTORY RECORD
BACKGROUND CHECKS**

Authority

N.J.S.A. 53:1-12 through 20.7.

Source and Effective Date

R.2000 d.429, effective October 16, 2000.
See: 32 N.J.R. 2213(a), 32 N.J.R. 2976(a), 32 N.J.R. 3860(a).

Executive Order No. 66(1978) Expiration Date

Chapter 59, Criminal History Record Background Checks for Non-Criminal Matters, expires on October 16, 2005.

Chapter Historical Note

Chapter 59, Criminal History Record Background Checks for Non-Criminal Matters, was adopted as R.1985 d.481, effective September 16, 1985. See: 17 N.J.R. 1743(a), 17 N.J.R. 2282(b).

Pursuant to Executive Order No. 66(1978), Chapter 59, Criminal History Record Background Checks for Non-Criminal Matters, was readopted as R.1990 d.425, effective July 30, 1990. See: 22 N.J.R. 1869(a), 22 N.J.R. 2530(b).

Pursuant to Executive Order No. 66(1978), Chapter 59, Criminal History Record Background Checks for Non-Criminal Matters, was readopted as R.1995 d.463, effective July 28, 1995. See: 27 N.J.R. 2103(a), 27 N.J.R. 3201(b). Pursuant to Executive Order No. 66(1978), Chapter 59 expired on July 28, 2000.

Chapter 59, Criminal History Record Background Checks for Non-Criminal Matters, was adopted as new rules by R.2000 d.429, effective October 16, 2000. See: Source and Effective Date.

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SUBCHAPTER 1. NONCRIMINAL JUSTICE PURPOSES

13:59-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Access” means to instruct, communicate with, store data in, gain entry into, retrieve data from, disseminate, or otherwise make use of any computer, computer system, computer network, or other element of a central repository.

“Administration of criminal justice” or “criminal justice purpose” means:

1. The detection, apprehension, detention, pretrial and post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders;
2. The hiring of persons for employment by criminal justice agencies or the granting of access to a criminal justice facility; or
3. Criminal identification activities, including the accessing of the New Jersey Criminal Justice Information System, the National Law Enforcement Telecommunications System (NLETS), National Crime Information Center (NCIC) or other states’ computerized repositories containing criminal history record information, by criminal justice agencies for the purposes set forth in paragraphs 1 and 2 of this definition.

“Attorney General” means the Attorney General of New Jersey and, when authorized by the Attorney General to access criminal history record information, his or her Assistants and Deputies.

“Criminal history record information” or “CHRI” means information collected by criminal justice agencies concerning persons and stored in the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) or other states’ computerized repositories containing criminal history record information consisting of identifiable descriptions and notations of arrests, indictments, or other formal criminal charges, and any dispositions arising therefrom, including convictions, pending court actions, dismissals, acquittals, sentencing, correctional supervision and release.

“Criminal justice agency” means:

1. The courts of the State of New Jersey, any other state or the Federal government; or
2. A governmental entity of the State of New Jersey, any other state or the Federal government which performs functions pertaining to the administration of criminal justice pursuant to statute, ordinance, resolution or regulation, and which allocates a substantial portion of its budget to the administration of criminal justice.

“Dissemination of criminal history record information” means the process whereby the State Bureau of Identification accesses and distributes information from the central repository of the New Jersey State Police SBI, the National

Law Enforcement Telecommunications System (NLETS), National Crime Information Center (NCIC) or other states' computerized repositories containing criminal history record information.

"FBI" means the Federal Bureau of Investigation in the United States Department of Justice.

"Fee" means that cost established for performing services authorized by this chapter, as set forth in N.J.A.C. 13:59-1.3.

"Governmental entities" means the Federal government or any state, any office, department, division, bureau, board, commission or agency of the Federal government or a state, and any county, municipality, district, public authority, public agency and any other political subdivision or public body within a state.

"National requesters" means persons, agencies or entities who are requesters authorized by a Federal statute or a state statute approved by the FBI, to obtain for a noncriminal justice purpose dissemination of New Jersey, Federal and out-of-State criminal history record information accessed by the State Bureau of Identification from the central repository of the New Jersey State Police SBI, the National Crime Information Center (NCIC) and other states' computerized repositories containing criminal history record information.

"New Jersey Criminal Justice Information System" means a computerized network which is under the management and control of the New Jersey State Police.

"New Jersey Criminal Justice Information System Users Agreement" means an agreement signed by a criminal justice agency, the Division of State Police and the Office of Information Technology permitting the criminal justice agency to directly access the computerized databases of the New Jersey Criminal Justice Information System, or NCIC or other states' repositories of computerized CHRI for the performance of administration of criminal justice purposes.

"Noncriminal justice purpose" means any purpose, other than administration of criminal justice or criminal justice purpose.

"Nonprofit youth serving organization" means a corporation, association or other organization established pursuant to Title 15 of the Revised Statute, Title 15A of the New Jersey Statutes or other law of this State, but excluding public and nonprofit schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from Federal income taxes.

"Processing criminal history record checks" means the process whereby the SBI compares a set of fingerprints or conducts a name search request with those in its files for a determination as to the criminal history of the person identified by the request.

"Public servant" means any officer or employee of a state or the Federal government or of any political subdivision or public body of a state or the Federal government, including any advisor or consultant retained by government to perform a governmental function.

"Requester" means any person, agency or entity authorized by Federal or state statute, rule or regulation, executive order, administrative code, local ordinance, resolution or by N.J.A.C. 13:59-1.2 to obtain dissemination of CHRI from the central repository of the New Jersey State Police SBI for a noncriminal justice purpose in accordance with this chapter.

"Securing applicant fingerprint images" means the procedure used by a law enforcement agency to obtain an applicant's fingerprints on a New Jersey and/or FBI fingerprint card and demographic data for submission to the SBI for processing criminal history record checks.

"SBI" means the State Bureau of Identification created by N.J.S.A. 53:1-12 as a bureau within the Division of State Police.

"SBI Number Flag" means an electronic note entered on or attached to a specific SBI number in the New Jersey Computerized Criminal History System (CCH) indicating that a request has been made for a service authorized by N.J.A.C. 13:59-1.8.

"SBI Number" means the identification number assigned to the criminal history record file of the State Bureau of Identification for a particular individual as identified by fingerprints.

"Superintendent" means the Superintendent of the New Jersey Division of State Police (N.J.S.A. 53:1-2).

"Volunteer" means any individual who is applying for or performing tasks in an unpaid position for a nonprofit youth serving organization, a qualified entity, as that term is defined by the National Child Protection Act of 1993 or an entity that has been qualified by the Internal Revenue Service as exempt from Federal income tax pursuant to 26 U.S.C. § 501(c)(3).

Amended by R.1990 d.425, effective August 20, 1990.
See: 22 N.J.R. 1869(a), 22 N.J.R. 2530(b).

Amended "authorized agency" and "licensing and/or employment purpose."

Amended by R.1992 d.308, effective August 3, 1992.
See: 24 N.J.R. 1963(a), 24 N.J.R. 2735(a).

Amended by R.1994 d.601, effective December 5, 1994.

See: 26 N.J.R. 3595(a), 26 N.J.R. 4782(a).

Amended by R.2001 d.142, effective May 7, 2001.