

See: 33 N.J.R. 172(a), 33 N.J.R. 1411(b).
 Rewrote the section.

13:59-1.2 Dissemination for noncriminal justice purposes

(a) In addition to any other Federal or state laws, regulations, executive orders, ordinances or resolutions authorizing the dissemination of criminal history record information, the following requesters are authorized to obtain from the SBI all New Jersey criminal history record information from the central repository of SBI for noncriminal justice purposes records of convictions in New Jersey State courts and, regardless of their age, all records of pending arrests and charges for violations of New Jersey laws, unless such records have been expunged pursuant to law:

1. Governmental entities of this State, the Federal government or any other state for any official governmental purposes, including, but not limited to, employment, licensing and the procurement of services;
2. A person or non-governmental entity of any state, that seeks to directly engage the services of the subject of the record, for purposes of determining the subject's qualifications for employment, volunteer work or other performance of services;
3. Attorneys-at-law licensed by any state for use in any contested matters docketed in any state or Federal courts or administrative agencies of any state;
4. Private detectives licensed by the New Jersey Division of State Police pursuant to N.J.S.A. 45:19-8 et seq., for purposes of obtaining information in furtherance of the performance of their statutorily authorized functions, as specifically enumerated by N.J.S.A. 45:19-9(a)1 to 9; and
5. A named individual as prescribed pursuant to N.J.A.C. 13:59-1.7.

(b) Requesters authorized by (a)1 and 2 above to obtain criminal history record information shall, on the completed forms or fingerprint cards prescribed pursuant to N.J.A.C. 13:59-1.4, obtain the signatures of the subjects of the requests. Requesters authorized by (a)1 and 2 and (a)4 above shall sign certifications on the forms prescribed by the Division of State Police. The signed certifications shall specify that:

1. The requesters are authorized to receive criminal history record information in conformity with (a) above;
2. That such records shall be used by the requesters solely for the purposes enumerated by the relevant provision of (a) above;
3. That such records will not be disseminated to persons for unauthorized purposes; and
4. That the requesters will otherwise comply with the provisions of N.J.A.C. 13:59-1.6(a).

(c) Except in cases of attorneys-at-law and New Jersey licensed private detectives proceeding under (a)3 and 4 above, requesters authorized by (a) above to obtain criminal history record information shall sign certifications on the forms prescribed by the Division of State Police certifying:

1. They will furnish the subjects of their inquiries with adequate notice to complete or challenge the accuracy of the records provided by the SBI;
2. If requested by the subjects of the inquiries, they will provide them with a reasonable period of time to correct or complete any records provided by the SBI;
3. They will not presume guilt for any arrests pending court actions or charges indicated on records received from the SBI; and
4. That they will otherwise comply with the provisions of N.J.A.C. 13:59-1.6(b).

(d) With the submission of New Jersey and FBI fingerprint cards pursuant to N.J.A.C. 13:59-1.4, national requesters may obtain from the SBI and FBI all criminal history record information retained on the subject and accessed by the SBI, including all criminal history record information from 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, unless such records have been expunged by law.

New Rule, 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.
 See: 33 N.J.R. 172(a), 33 N.J.R. 1411(b).

In (a), inserted "New Jersey criminal history record information from the central repository of SBI for noncriminal justice purposes" preceding "records of convictions" in the introductory paragraph; in (a)2, inserted ", that seeks to directly engage the services of the subject of the record," following "any state" and substituted "the subject's" for "a person's"; added (a)5; in (c)3, deleted "pending" following "for any" and inserted "pending court actions" preceding "or charges"; added (d).

13:59-1.3 Fees

(a) A fee of \$25.00 shall be collected by the SBI for the purpose of processing New Jersey criminal history fingerprint record checks and checking them against the information in the central repository of the New Jersey State Police SBI. This fee shall be \$18.00 for processing New Jersey criminal history fingerprint record checks on:

1. Any person who volunteers with a qualified entity, as that term is defined by the National Child Protection Act of 1993, 42 U.S.C. §§ 5119, 5119c;
2. Any person who volunteers his or her services to an entity that has been qualified by the Internal Revenue System as exempt from Federal income tax pursuant to 26 U.S.C. § 501(c)(3); or
3. Any volunteer of a nonprofit youth serving organization.

(b) A fee of \$15.00 shall be collected by the SBI for the purpose of processing criminal history name search identification checks. This fee shall be \$10.00 for processing a name search on:

1. Any person who volunteers with a qualified entity, as that term is defined by the National Child Protection Act of 1993, 42 U.S.C. §§ 5119, 5119c;
2. Any person who volunteers his or her services to an entity that has been qualified by the Internal Revenue System as exempt from Federal income tax pursuant to 26 U.S.C. § 501(c)(3); or
3. Any volunteer of a nonprofit youth serving organization.

(c) In addition to the processing fee established in (a) above, a non-refundable fee in an amount established by the FBI shall be collected from each national requester to pay for the cost of processing of national fingerprint checks of criminal history record information stored in the NCIC or other states' repositories of computerized CHRI for non-criminal justice purposes.

(d) A \$10.00 fee shall be collected for the service authorized by N.J.A.C. 13:59-1.8.

(e) Unless otherwise provided by law, all fees collected for accessing and disseminating criminal history record information shall be deposited in the "Criminal History Record Information Fund".

(f) New Jersey State governmental entities may submit a "Memo Processed Certificate of Debit and Credit" for the applicable amount with each group of submissions to the State Bureau of Identification.

(g) Payment shall be made by cashiers check, certified check, money order or ordinary business check. Requesters and national requesters who conduct large volumes of transactions may maintain prepaid accounts with the approval of the Superintendent. Any form or method of payment other than that specified in this section shall be first approved by the Superintendent. A single check or money order shall be drafted to cover all applicable fees prescribed by this chapter and shall be made payable to "Division of State Police—SBI."

(h) A fee may be collected by a law enforcement agency when it performs the procedure of securing applicant fingerprint images. The law enforcement agency's municipal governing body may assess and retain a fee to an applicant for the performance of this service pursuant to its authority under N.J.S.A. 40:48-1 et seq. to make, amend, repeal and enforce ordinances to fix the fees of any officer, or employee of the municipality for any service rendered in connection with his or her office or position for which no specific fee or compensation is provided.

(i) Upon authorization of the Superintendent, the procedure of securing applicant fingerprint images may be performed by a private entity under contract with the State and the applicant shall be assessed a fee which has been established under the contract between the private entity and the State.

Amended by R.1992 d.308, effective August 3, 1992.

See: 24 N.J.R. 1963(a), 24 N.J.R. 2735(a).

Added (d).

Recodified from 13:59-1.2 and amended by R.1994 d.601, effective December 5, 1994.

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

Prior text at 13:59-1.3, Separation of fees, repealed.

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

See: 33 N.J.R. 172(a), 33 N.J.R. 1411(b).

Rewrote the section.

Case Notes

Existing regulation implementing statute authorizing State Police to charge fee for criminal history background check was sufficiently broad to encompass authority to charge same fee for Brady Act check. *Bullet Hole, Inc. v. Dunbar*, 335 N.J.Super. 562 (A.D. 2001).

13:59-1.4 Prescribed forms

(a) Requesters and national requesters shall submit requests for criminal history record information on forms as prescribed by this section and the directions contained in the manual entitled "Guidelines for Preparation and Submission of Fingerprint Cards and Other Documents to the State Bureau of Identification (SBI)," New Jersey State Police, August, 1997, as amended and supplemented from time to time. The manual and forms are issued to criminal justice agencies by the SBI. Attorneys-at-law may obtain criminal history record information pursuant to N.J.A.C. 13:59-1.2(a)3 upon the payment of the fees prescribed by N.J.A.C. 13:59-1.3 by the lawful issuance of subpoenas. Such subpoenas shall be issued in accordance with applicable rules of court and administrative procedure and shall be on notice to all parties required to receive same.

(b) For New Jersey fingerprint identification purposes, an "Applicant" fingerprint card SBI-19 shall be used. The SBI-19 form shall be signed by the individual whose fingerprints are on the card.

(c) A Federal fingerprint card FD-258 shall be submitted by national requesters for information contained in NCIC or other states' computerized repositories of CHRI. The FD-258 shall be signed by the individual whose prints are on the card.

(d) For name search identification a requester, other than a New Jersey licensed private detective meeting the SBI requirements of 400 submissions per month for bulk, name search identification submissions via facsimile, shall submit a "Request for Criminal History Record Information" form SBI-212.