

CHAPTER 59**CRIMINAL HISTORY RECORD
BACKGROUND CHECKS****Authority**

N.J.S.A. 53:1-20.6.

Source and Effective DateR.2006 d.169, effective April 12, 2006.
37 N.J.R. 4384(a), 38 N.J.R. 2175(b).**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 59, Criminal History Record Background Checks, expires on October 9, 2013. See: 43 N.J.R. 1203(a).

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 re-adopted 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 re-adopted 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: 32 N.J.R. 2213(a), 32 N.J.R. 2976(a), 32 N.J.R. 3860(a).

Chapter 59, Criminal History Record Background Checks for Non-Criminal Matters, was renamed Criminal History Record Background Checks; Subchapter 1, User Fees, was renamed Noncriminal Justice Purposes; and Subchapter 2, Criminal Justice Purposes, was adopted as new rules by R.2001 d.142, effective May 7, 2001. See: 33 N.J.R. 172(a), 33 N.J.R. 1411(b).

Chapter 59, Criminal History Record Background Checks, was re-adopted as R.2006 d.169, effective April 12, 2006. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 59, Criminal History Record Background Checks, was scheduled to expire on October 9, 2011. See: 43 N.J.R. 827(a).

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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 safety volunteer” means any person who is applying for or performing a public safety task in an unpaid position for a state, county or municipal criminal justice agency, fire department or first aid squad. These tasks are defined as public safety functions normally conducted by paid criminal justice agencies, fire departments or first aid squads, that are now being accomplished by unpaid volunteers.

“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.

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

Rewrote the section.

Amended by R.2006 d.169, effective May 15, 2006.

See: 37 N.J.R. 4384(a), 38 N.J.R. 2175(b).

Inserted definition "Public safety volunteer".

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 \$30.00 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 \$18.00 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) Notwithstanding (a) above, a state, county or municipal criminal justice agency, fire department or first aid squad may request a fingerprint based check of the New Jersey criminal history repository of the New Jersey State Police SBI on public safety volunteers under their authority. There will be no processing fee associated with this check.

(d) 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 noncriminal justice purposes.

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

(f) 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".

(g) 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.

(h) 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."

(i) 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.

(j) 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.
Amended by R.2003 d.494, effective December 15, 2003.
See: 35 N.J.R. 4180(a), 35 N.J.R. 5547(b).

In (a), substituted "\$30.00" for "\$25.00" in the introductory paragraph; in (b), substituted "\$18.00" for "\$15.00" in the introductory paragraph.
Amended by R.2006 d.169, effective May 15, 2006.
See: 37 N.J.R. 4384(a), 38 N.J.R. 2175(b).

Inserted (c); and recodified former (c) through (i) as (d) through (j).

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.

1. This form shall be completed in its entirety and shall contain all the information required to complete the check, including the name of the subject, the date of birth of the subject and, when authorized pursuant to (d)2 below, the social security number of the subject.

2. Pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a (note), requestors shall advise the subjects of name searches that the furnishing of social security numbers is voluntary and that if provided social security numbers will only be used for purposes of processing requests for criminal history record information.

3. Employers, potential employers, or employment agencies are also subject to the preemployment inquiry provisions of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12 et seq., and rules adopted by the New Jersey Division of Civil Rights pursuant thereto, including N.J.A.C. 13:7-1.1(g), and applicable Federal civil rights laws.

(e) The fees as prescribed in this chapter, if in the form of a check or money order, must be stapled to the front of the SBI-212 form or to the lower left corner of the "Applicant" fingerprint card SBI-19 and submitted to the State Bureau of Identification for processing.

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

In (d), added SBI-212A.

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

Revised (a)-(b).

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.

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

Rewrote the section.

13:59-1.5 Rejection and resubmission procedures

(a) Any fingerprint card or Request for Criminal History Record Information form which is rejected will be returned with the submitted fee to the requester or national requester. The procedure as set forth at N.J.A.C. 13:59-1.4 will be utilized for resubmission with the following exception:

1. Fingerprint cards that cannot be classified will be returned to the requester or national requester. The fees which accompanied the fingerprint cards will be retained by the SBI. Upon resubmission, the rejected fingerprint card shall be stapled to the newly taken fingerprint card and both cards shall be submitted with the original rejection form to the SBI. No additional charges shall be assessed for resubmitted fingerprint cards.

(b) No criminal history name search shall be conducted unless the subject's name and date of birth are submitted. Whenever a criminal history name search based upon the particular identifying information supplied produces more than one possible candidate, the SBI 212 Form shall be rejected and returned to the requester for additional identifying information, such as the subject's social security num-

ber, as authorized pursuant to the provisions of N.J.A.C. 13:59-1.4(d)2. The fee which accompanied the SBI 212 Form shall be retained by the SBI. Upon resubmission, the rejected SBI 212 Form shall be stapled to the newly executed SBI 212 Form and both forms shall be submitted with the original rejection form to the SBI. No additional charges shall be assessed for the resubmitted SBI 212 Form request.

Recodified from 13:59-1.7 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 13:59-1.5, Acceptable form of payment, repealed.

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 references to national requesters and deleted "authorized" throughout, substituted "shall" for "will" and deleted "rejected and" preceding "returned to" in 1; added (b).

13:59-1.6 Limitations on access and use of criminal history record information (CHRI) for noncriminal justice purposes

(a) If criminal history record information may be used to disqualify a person from obtaining or holding any position, employment or license or performing any services, whether compensated or uncompensated, the requester or national requester or other person making such determination shall provide the subject of the request with adequate notice and opportunity to confirm or deny the accuracy of any information contained in the criminal history record. The subject of the request shall be afforded a reasonable period of time to correct or complete the record prior to a final determination or decision concerning the subject's eligibility for the position, employment or license. A person is presumed innocent of any pending charges or arrests for which there are no final dispositions indicated on the record.

(b) The SBI shall prominently display the following notice on any record disseminated for noncriminal justice purposes:

Use of this record is governed by Federal and state statutes and regulations. Unless fingerprints accompanied your inquiry, the State Bureau of Identification cannot guarantee this record relates to the person who is the subject of your request. All records are subject to change and in the event that a record is later expunged, dissemination may be prohibited pursuant to N.J.S.A. 2C:52-30. Any person violating Federal and state statutes or regulations governing access to and use of criminal history record information is subject to any applicable criminal or civil penalties and remedies.

If this record may disqualify the subject of the record from obtaining or holding any position, employment or license or performing any services, the requester, national requester or other person making the determination shall provide the subject of the record with an opportunity to confirm or deny the accuracy of the information contained in the criminal history record. The subject of the record shall be afforded a reasonable period of time to correct and complete this record. A person is presumed

innocent of any charges or arrests for which there are no final dispositions indicated on the record. This record is certified as a true copy of the criminal history record information on file for the assigned SBI number.

(c) Except when engaged in the lawful exercise of official duties, no public servant shall access or permit any other person to access information stored in the central repository of the New Jersey State Police SBI, National Crime Information Center (NCIC) or other states' repositories of computerized CHRI. This prohibition shall include use of any computer, computer system or computer network which may access computerized databases stored in the New Jersey Criminal Justice Information System, NCIC or other states' repositories of computerized CHRI. Access by any public servant to information stored in the central repository of the New Jersey State Police SBI, NCIC or other states' repositories of computerized CHRI shall be in strict conformity with these rules.

Amended by R.1992 d.308, effective August 3, 1992.
See: 24 N.J.R. 1963(a), 24 N.J.R. 2735(a).
Recodified from 13:59-1.8 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 13:59-1.6, Superintendent's waiver provision, 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.

13:59-1.7 Dissemination of personal record to named individual

(a) The SBI shall work in concert with any person to make any necessary corrections to that person's criminal history record information. For the purpose of determining the accuracy thereof, any individual may request a fingerprint search on his or her personal criminal history record:

1. By submitting the fee specified in N.J.A.C. 13:59-1.3(a) and the form specified in N.J.A.C. 13:59-1.4(b), an individual may request a fingerprint search of the information in the central repository of the New Jersey State Police SBI; or
2. By submitting the fee and forms required pursuant to 28 CFR 16:30 et seq., an individual may request a fingerprint search of the information in the NCIC and other states' computerized repositories of the FBI.

New Rule, R.2001 d.142, effective May 7, 2001.
See: 33 N.J.R. 172(a), 33 N.J.R. 1411(b).

13:59-1.8 SBI Number Flag

Upon a request, the SBI shall attach an SBI Number Flag to a specific SBI number, and shall provide New Jersey arrest and/or conviction notification to a New Jersey Criminal Justice Information System identified terminal printer when any fingerprint-supported change to the subject's New Jersey criminal history record is entered to the specific SBI Number. Such requests shall be accompanied by the fee prescribed by N.J.A.C. 13:59-1.3(d). Requests shall be canceled by the requesting agency when the need for the SBI Number Flag no longer exists.

New Rule, R.2001 d.142, effective May 7, 2001.
See: 33 N.J.R. 172(a), 33 N.J.R. 1411(b).

SUBCHAPTER 2. CRIMINAL JUSTICE PURPOSES

Authority

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

Source and Effective Date

R.2001 d.142, effective May 7, 2001.
See 33 N.J.R. 172(a), 33 N.J.R. 1411(b).

13:59-2.1 Dissemination for criminal justice purposes

Criminal justice agencies, for purposes of the administration of criminal justice, may obtain from the SBI or otherwise access 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.

13:59-2.2 Fees

No fee shall be charged for any requests made by any criminal justice agency for criminal history record information or other services provided by this subchapter.

13:59-2.3 Prescribed forms

(a) For fingerprint identification search requests of information stored in the central repository of the New Jersey State Police SBI, an "Applicant" fingerprint card SBI-19 or a "Criminal Arrest" fingerprint card SBI-15 shall be used.

(b) A criminal justice agency requesting a search of information contained in NCIC or other states' computerized repository of CHRI shall submit a Federal fingerprint card FD-258.

(c) The forms in (a) and (b) above shall be completed in their entirety and shall contain all the information required to complete the check.

(d) Any criminal justice agency which has executed a "New Jersey Criminal Justice Information System Users Agreement" in the form prescribed by the Superintendent may access directly the computerized databases stored in the New Jersey Criminal Justice Information System, or NCIC or other states' repositories of computerized criminal history record information for the performance of administration of criminal justice purposes.

13:59-2.4 Limitations on access and use of criminal history record information (CHRI) obtained for criminal justice purposes

(a) Access to criminal history record information for criminal justice purposes is restricted to criminal justice agencies as defined in N.J.A.C. 13:59-1.1. Criminal justice agencies shall limit their use of criminal history record information solely to the authorized purposes for which it was obtained. Criminal history record information furnished by the SBI or accessed pursuant to a "New Jersey Criminal Justice Information System User's Agreement" shall not be further disseminated for any purpose, unless such further dissemination is authorized by law.

(b) The State Bureau of Identification shall prominently display the following on any record disseminated for criminal justice purposes.

Use of this record is governed by Federal and state statutes and regulations. Unless fingerprints accompanied your inquiry, the State Bureau of Identification cannot guarantee this record relates to the person who is the subject of your request. Use of this record shall be limited solely to the authorized criminal justice purpose for which it was given and it shall not be further disseminated for any other purpose. This record shall be destroyed immediately after it has served its intended and authorized criminal justice purpose. All records are subject to change and in the event that a record is later expunged, dissemination may be prohibited pursuant to N.J.S.A. 2C:52-30, unless otherwise authorized by law. Any person violating

Federal or state regulations governing access to criminal history record information is subject to any applicable criminal or civil penalties and remedies.

A person is presumed innocent of any charges or arrests for which there are no final dispositions indicated on the record. This record is certified as a true copy of the criminal history record information on file for the assigned SBI number.

(c) Except when authorized as a lawful exercise of official duties in conformity with N.J.A.C. 13:59-1.2 and 2.1, or unless otherwise authorized by law to provide access to criminal history record information for noncriminal justice purposes, no public servant shall access or permit any other person to access the information stored in the central repository of the New Jersey State Police SBI, National Crime Information Center (NCIC) or other states' repositories of computerized CHRI. This prohibition shall include use of any computer, computer system or computer network which may access computerized databases stored in the New Jersey Criminal Justice Information System, NCIC or other states' repository of computerized CHRI. Access by any public servant to information stored in the central repository of the New Jersey State Police SBI, NCIC or other states' repository of computerized CHRI shall be in strict conformity with these rules, the Federal regulations (28 CFR §§ 20.1 et seq.) and any "New Jersey Criminal Justice Information System Users Agreement" entered into by any criminal justice agency and the Division of State Police and Office of Information Technology.