

## **CHAPTER 10-13-05**

### **DISSEMINATING CRIMINAL HISTORY RECORD INFORMATION**

#### **Section**

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#### **10-13-05-01. Criminal justice agency response to dissemination requests.**

Criminal justice agencies receiving requests for criminal history record information from noncriminal justice sources shall refer those requests to the bureau. Only the bureau may disseminate criminal history record information for noncriminal justice purposes.

**History:** Effective November 1, 1987; amended effective January 1, 2016.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3, 12-60-16.6, 12-60-16.7

#### **10-13-05-02. Bureau handling of dissemination requests.**

The bureau shall provide forms and establish and publish procedures for noncriminal justice entities to acquire criminal history record information.

**History:** Effective November 1, 1987; amended effective January 1, 2016.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3, 12-60-16.6, 12-60-16.7

#### **10-13-05-03. Fee for record check.**

Requests from noncriminal justice agencies for criminal history record checks must be accompanied by payment in the amount required in North Dakota Century Code section 12-60-16.9. Checks, money orders, or purchase orders must be made payable to the "Attorney General's Office". Any request that does not include the statutory fee will not be processed and will be returned to the requesting party. A receipt for payment of the fee will be provided to the requesting party.

**History:** Effective November 1, 1987; amended effective January 1, 2016.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3, 12-60-16.9

#### **10-13-05-04. Dissemination log.**

The bureau shall maintain a transaction log of all requests for criminal history record checks, and in those cases in which criminal history record information is released, the details of the release must be recorded. In those cases in which dissemination is prohibited under state or federal law, the reason for not disseminating criminal history record information must be recorded. The recording agency shall maintain the dissemination log for a minimum of three years.

**History:** Effective November 1, 1987; amended effective January 1, 2016.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3, 12-60-16.5, 12-60-16.6, 12-60-16.7

#### **10-13-05-05. Retention of fingerprints and identifying information for rap back purposes.**

The bureau and the federal bureau of investigation may retain fingerprints and other identifying information obtained through the criminal history record information background investigation process

for rap back at the request of the agency, official, or entity that submitted the fingerprints and other identifying information. The subject of the record request must be provided notice of the retention of the fingerprints and other identifying information. Fingerprints and other identifying information may be searched against future submissions, including latent fingerprint searches.

**History:** Effective January 1, 2016.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.3, 12-60-24