

ENROLLED HOUSE  
BILL NO. 1374

By: Askins, Nance and Dank of  
the House

and

Wilkerson of the Senate

An Act relating to the Oklahoma State Bureau of Investigation; amending 74 O.S. 1991, Section 150.2, as last amended by Section 1, Chapter 281, O.S.L. 1996 (74 O.S. Supp. 2000, Section 150.2), which relates to powers and duties; authorizing investigation of certain computer crimes; amending 74 O.S. 1991, Section 150.9, as last amended by Section 1, Chapter 258, O.S.L. 2000 (74 O.S. Supp. 2000, Section 150.9), which relates to criminal history records; prohibiting certain activity; stating penalty; providing for the Oklahoma Crime Prevention and Privacy Compact Act; stating findings; defining terms; stating effect on other statutes; stating items agreed to by contracting parties; defining terms; stating purposes; stating responsibilities of compact parties; stating authorized record disclosures; establishing record request procedures; establishing compact council; providing for ratification of compact; providing compact shall not interfere with other records collection; stating compact shall be binding under certain circumstances; stating notice requirements for renunciation; providing for severability; providing for adjudication of disputes; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 150.2, as last amended by Section 1, Chapter 281, O.S.L. 1996 (74 O.S. Supp. 2000, Section 150.2), is amended to read as follows:

Section 150.2 The Oklahoma State Bureau of Investigation shall have the power and duty to:

1. Maintain scientific laboratories to assist all law enforcement agencies in the discovery and detection of criminal activity;
2. Maintain fingerprint and other identification files including criminal history records, juvenile identification files, and DNA profiles;

3. Establish, coordinate and maintain the automated fingerprinting identification system (AFIS) and the deoxyribonucleic acid (DNA) laboratory;

4. Operate teletype, mobile and fixed radio or other communications systems;

5. Conduct schools and training programs for the agents, peace officers, and technicians of this state charged with the enforcement of law and order and the investigation and detection of crime;

6. Assist the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Chief Medical Examiner, and all law enforcement officers and district attorneys when such assistance is requested, in accordance with the policy determined by the Oklahoma State Bureau of Investigation Commission established in Section 150.3 of this title;

7. Investigate and detect criminal activity when directed to do so by the Governor;

8. Investigate, detect, institute and maintain actions involving vehicle theft pursuant to Section 150.7 of this title or oil, gas or oil field equipment theft pursuant to Sections 152.2 through 152.9 of this title; ~~and~~

9. Investigate any criminal threat made to the physical safety of elected or appointed officials of this state or any political subdivision of the state and forward the results of that investigation to the Department of Public Safety, and provide security to foreign elected or appointed officials while they are in this state on official business; and

10. Investigate and detect violations of the Oklahoma Computer Crimes Act.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 150.9, as last amended by Section 1, Chapter 258, O.S.L. 2000 (74 O.S. Supp. 2000, Section 150.9), is amended to read as follows:

Section 150.9 A. The Oklahoma State Bureau of Investigation shall procure, file and maintain criminal history records for each person subject to the mandatory reporting provisions of this act, including photographs, descriptions, fingerprints, measurements and other pertinent information relating to such persons. It shall be the duty of law enforcement officers and agencies, sheriffs, police, courts, judicial officials, district attorneys, and the persons in charge of any state correctional facility or institution to furnish criminal history records to the Bureau as required by Section 150.1 et seq. of this title. The Oklahoma State Bureau of Investigation shall cooperate with and assist the sheriffs, chiefs of police and other law enforcement officers of the state by maintaining a complete criminal history record on each person subject to the mandatory reporting requirements of this act, and shall have on file the fingerprint impressions of all such persons together with other pertinent information as may from time to time be received from the law enforcement officers of this and other states or as may be required by law.

B. The Oklahoma Department of Consumer Credit, the Oklahoma State Insurance Commission, the Oklahoma Horse Racing Commission, or any other state agency, board, department or commission or any other person or entity requesting a criminal history record or an analysis of fingerprints for commercial, licensing or other purposes, except law enforcement purposes, shall pay a fee to the Bureau for each criminal history record or fingerprint analysis as follows:

Oklahoma criminal history record only	\$15.00 each
Oklahoma criminal history record with fingerprint analysis	\$19.00 each
National criminal history record with fingerprint analysis	\$41.00 each

Unless a national criminal history record is specifically requested, a fingerprint analysis shall be limited to only those records available at the Oklahoma State Bureau of Investigation. Following receipt of the appropriate fee, the Bureau shall provide, as soon as possible, the criminal history record requested; provided, however, it shall be the duty and responsibility of the requesting authority to evaluate the criminal history record as such record may apply to a specific purpose or intent. An individual may submit a certified court record showing that a charge was dismissed or a certified copy of a gubernatorial pardon to the Oklahoma State Bureau of Investigation, and upon verification of that record the Bureau records shall reflect the dismissal of that charge.

C. The Oklahoma Bureau of Investigation may maintain an identification file, including fingerprint impressions, on any person under eighteen (18) years of age who is arrested or subject to criminal or juvenile delinquency proceedings, provided all such information shall be confidential and shall only be made available to the Bureau and other law enforcement agencies. Whenever a fingerprint impression or other identification information is submitted to the Bureau on a person under eighteen (18) years of age, the Bureau may retain and file such fingerprint and identification information for identification purposes only. The Bureau shall ensure that the information received and maintained for identification purposes on persons under eighteen (18) years of age shall be handled and processed with great care to keep such information confidential from the general public. The Bureau may receive and maintain the fingerprints and other identification information on any person under eighteen (18) years of age believed to be the subject of a runaway, missing, or abduction investigation, for identification purposes at the request of a parent, guardian or legal custodian of the person.

D. Any person who knowingly procures, utters, or offers any false, forged or materially altered criminal history record shall be guilty of a felony and upon conviction shall be punished by imprisonment in the State Penitentiary for a period not to exceed five (5) years or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.9a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Oklahoma Crime Prevention and Privacy Compact Act".

B. The State of Oklahoma finds that:

1. Both the Federal Bureau of Investigation and state criminal history record repositories maintain fingerprint-based criminal history records;

2. These criminal history records are shared and exchanged for criminal justice purposes through a federal-state program known as the Interstate Identification Index System;

3. Although these records are also exchanged for legally authorized, noncriminal justice uses, such as governmental licensing and employment background checks, the purposes for and procedures by which they are exchanged vary widely from state to state;

4. An interstate and federal-state compact is necessary to facilitate authorized interstate criminal history record exchanges for noncriminal justice purposes on a uniform basis, while permitting each state to effectuate its own dissemination policy within its own borders; and

5. The Compact will allow federal and state records to be provided expeditiously to governmental and nongovernmental agencies that use these records in accordance with pertinent federal and state law, while simultaneously enhancing the accuracy of the records and safeguarding the information contained therein from unauthorized disclosure or use.

C. As used in this section:

1. "Attorney General" means the Attorney General of the United States;

2. "Compact" means the National Crime Prevention and Privacy Compact set forth in sections of this act;

3. "Council" means the Compact Council established under Article VI of the Compact;

4. "FBI" means the Federal Bureau of Investigation;

5. "Party state" means a state that has ratified the Compact; and

6. "State" means any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

D. This section shall have the following effect on other statutes:

1. Privacy Act of 1974. Nothing in this section or the Compact shall affect the obligations and responsibilities of the FBI under Section 552a of Title 5, United States Code (commonly known as the Privacy Act of 1974);

2. Access to certain records not affected. Nothing in this section or the Compact shall interfere in any manner with:

a. access, direct or otherwise, to records pursuant to:

- (1) Section 9109 of Title 5, United States Code,
- (2) the National Child Protection Act,
- (3) the Brady Handgun Violence Prevention Act (Public Law 103-159; 107 Stat. 1536),
- (4) the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 2074) or any amendment made by that act,
- (5) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), or
- (6) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), or

b. any direct access to federal criminal history records authorized by law;

3. Authority of FBI Under Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973. Nothing in this section or the Compact shall be construed to affect the authority of the FBI under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544; 86 Stat. 1115);

4. Federal Advisory Committee Act. The Council shall not be considered to be a federal advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.); and

5. Members of Council Not Federal Officers or Employees. Members of the Council (other than a member from the FBI or any at-large member who may be a federal official or employee) shall not, by virtue of such membership, be deemed:

- a. to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in Sections 2104 and 2105 of Title 5, United States Code), or
- b. to become entitled by reason of Council membership to any compensation or benefit payable or made available by the federal government to its officers or employees.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.9b of Title 74, unless there is created a duplication in numbering, reads as follows:

The following National Crime Prevention and Privacy Compact is hereby ratified, enacted, entered into and given force of law by the State of Oklahoma:

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

Overview

ARTICLE I—DEFINITIONS

ARTICLE II—PURPOSES

ARTICLE III—RESPONSIBILITIES OF COMPACT PARTIES

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ARTICLE X—SEVERABILITY

ARTICLE XI—ADJUDICATION OF DISPUTES

The Contracting parties agree to the following:

Overview

a. In General.—This Compact organizes an electronic information sharing system among the Federal Government and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment.

b. Obligations of Parties.—Under this Compact, the FBI and the Party States agree to maintain detailed databases of their respective criminal history records, including arrests and dispositions, and to make them available to the Federal Government and to Party States for authorized purposes. The FBI shall also manage the Federal data facilities that provide a significant part of the infrastructure for the system.

ARTICLE I—DEFINITIONS

In this Compact:

1. Attorney General.—The term "Attorney General" means the Attorney General of the United States.

2. Compact officer.—The term "Compact officer" means—

- A. with respect to the Federal Government, an official so designated by the Director of the FBI; and
- B. with respect to a Party State, the chief administrator of the State's criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository.

3. Council.—The term "Council" means the Compact Council established under Article VI.

4. Criminal history records.—The term "criminal history records"—

- A. means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, or release; and
- B. does not include identification information such as fingerprint records if such information does not indicate involvement of the individual with the criminal justice system.

5. Criminal history record repository.—The term "criminal history record repository" means the State agency designated by the Governor or other appropriate executive official or the legislature of a State to perform centralized recordkeeping functions for criminal history records and services in the State.

6. Criminal justice.—The term "criminal justice" includes activities relating to the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage, and dissemination of criminal history records.

7. Criminal justice agency.—The term "criminal justice agency"—

A. means—

- i. courts; and
- ii. a governmental agency or any subunit thereof that—
  - I. performs the administration of criminal justice pursuant to a statute or Executive order; and
  - II. allocates a substantial part of its annual budget to the administration of criminal justice; and

B. includes Federal and State inspectors general offices.

8. Criminal justice services.—The term "criminal justice services" means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.

9. Criterion offense.—The term "criterion offense" means any felony or misdemeanor offense not included on the list of nonserious offenses published periodically by the FBI.

10. Direct access.—The term "direct access" means access to the National Identification Index by computer terminal or other automated means not requiring the assistance of or intervention by any other party or agency.

11. Executive order.—The term "Executive order" means an order of the President of the United States or the chief executive officer of a State that has the force of law and that is promulgated in accordance with applicable law.

12. FBI.—The term "FBI" means the Federal Bureau of Investigation.

13. Interstate identification system.—The term "Interstate Identification Index System" or "III System"—

A. means the cooperative Federal-State system for the exchange of criminal history records; and

B. includes the National Identification Index, the National Fingerprint File and, to the extent of their participation in such system, the criminal history record repositories of the States and the FBI.

14. National fingerprint file.—The term "National Fingerprint File" means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

15. National identification index.—The term "National Identification Index" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

16. National indices.—The term "National indices" means the National Identification Index and the National Fingerprint File.

17. Nonparty state.—The term "Nonparty State" means a State that has not ratified this Compact.

18. Noncriminal justice purposes.—The term "noncriminal justice purposes" means uses of criminal history records for purposes authorized by Federal or State law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances.

19. Party state.—The term "Party State" means a State that has ratified this Compact.

20. Positive identification.—The term "positive identification" means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a record search is the same person as the subject of a criminal history record or records indexed in the III System. Identifications based solely upon a comparison of subjects' names or other nonunique identification characteristics or numbers, or combinations thereof, shall not constitute positive identification.

21. Sealed record information.—The term "sealed record information" means—

- A. with respect to adults, that portion of a record that is—
  - i. not available for criminal justice uses;
  - ii. not supported by fingerprints or other accepted means of positive identification; or
  - iii. subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a Federal or State statute that requires action on a sealing petition filed by a particular record subject; and
- B. with respect to juveniles, whatever each State determines is a sealed record under its own law and procedure.

22. State.—The term "State" means any State, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

#### ARTICLE II—PURPOSES

The purposes of this Compact are to—

1. Provide a legal framework for the establishment of a cooperative Federal-State system for the interstate and Federal-State exchange of criminal history records for noncriminal justice uses;
2. Require the FBI to permit use of the National Identification Index and the National Fingerprint File by each Party State, and to provide, in a timely fashion, Federal and State criminal history records to requesting States, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;
3. Require Party States to provide information and records for the National Identification Index and the National Fingerprint File and to provide criminal history records, in a timely fashion, to criminal history record repositories of other States and the Federal Government for noncriminal justice purposes, in accordance with the terms of this Compact and with rules, procedures, and standards established by the Council under Article VI;
4. Provide for the establishment of a Council to monitor III System operations and to prescribe system rules and procedures for the effective and proper operation of the III System for noncriminal justice purposes; and
5. Require the FBI and each Party State to adhere to III System standards concerning record dissemination and use, response times, system security, data quality, and other duly established standards, including those that enhance the accuracy and privacy of such records.

ARTICLE III—RESPONSIBILITIES OF COMPACT PARTIES

a. FBI Responsibilities.—The Director of the FBI shall—

1. appoint an FBI Compact officer who shall—

- A. administer this Compact within the Department of Justice and among Federal agencies and other agencies and organizations that submit search requests to the FBI pursuant to Article V(c);
- B. ensure that Compact provisions and rules, procedures, and standards prescribed by the Council under Article VI are complied with by the Department of Justice and the Federal agencies and other agencies and organizations referred to in Article III(1) (A); and
- C. regulate the use of records received by means of the III System from Party States when such records are supplied by the FBI directly to other Federal agencies;

2. provide to Federal agencies and to State criminal history record repositories, criminal history records maintained in its database for the noncriminal justice purposes described in Article IV, including—

- A. information from Nonparty States; and
- B. information from Party States that is available from the FBI through the III System but is not available from the Party State through the III System;

3. provide a telecommunications network and maintain centralized facilities for the exchange of criminal history records for both criminal justice purposes and the noncriminal justice purposes described in Article IV, and ensure that the exchange of such records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and

4. modify or enter into user agreements with Nonparty State criminal history record repositories to require them to establish record request procedures conforming to those prescribed in Article V.

b. State Responsibilities.—Each Party State shall—

1. appoint a Compact officer who shall—

- A. administer this Compact within that State;
- B. ensure that Compact provisions and rules, procedures, and standards established by the Council under Article VI are complied with in the State; and
- C. regulate the in-State use of records received by means of the III System from the FBI or from other Party States;

2. establish and maintain a criminal history record repository, which shall provide—

- A. information and records for the National Identification Index and the National Fingerprint File; and
- B. the State's III System-indexed criminal history records for noncriminal justice purposes described in Article IV;

3. participate in the National Fingerprint File; and

4. provide and maintain telecommunications links and related equipment necessary to support the services set forth in this Compact.

c. Compliance With III System Standards.—In carrying out their responsibilities under this Compact, the FBI and each Party State shall comply with III System rules, procedures, and standards duly established by the Council concerning record dissemination and use, response times, data quality, system security, accuracy, privacy protection, and other aspects of III System operation.

d. Maintenance of Record Services.—

1. use of the III System for noncriminal justice purposes authorized in this Compact shall be managed so as not to diminish the level of services provided in support of criminal justice purposes.

2. administration of Compact provisions shall not reduce the level of service available to authorized noncriminal justice users on the effective date of this Compact.

#### ARTICLE IV—AUTHORIZED RECORD DISCLOSURES

a. State Criminal History Record Repositories.—To the extent authorized by Section 552a of Title 5, United States Code (commonly known as the "Privacy Act of 1974"), the FBI shall provide on request criminal history records (excluding sealed records) to State criminal history record repositories for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General and that authorizes national indices checks.

b. Criminal Justice Agencies and Other Governmental or Nongovernmental Agencies.—The FBI, to the extent authorized by Section 552a of Title 5, United States Code (commonly known as the "Privacy Act of 1974"), and State criminal history record repositories shall provide criminal history records (excluding sealed records) to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by Federal statute, Federal Executive order, or a State statute that has been approved by the Attorney General, that authorizes national indices checks.

c. Procedures.—Any record obtained under this Compact may be used only for the official purposes for which the record was requested. Each Compact officer shall establish procedures,

consistent with this Compact, and with rules, procedures, and standards established by the Council under Article VI, which procedures shall protect the accuracy and privacy of the records, and shall—

1. ensure that records obtained under this Compact are used only by authorized officials for authorized purposes;

2. require that subsequent record checks are requested to obtain current information whenever a new need arises; and

3. ensure that record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official.

#### ARTICLE V—RECORD REQUEST PROCEDURES

a. Positive Identification.—Subject fingerprints or other approved forms of positive identification shall be submitted with all requests for criminal history record checks for noncriminal justice purposes.

b. Submission of State Requests.—Each request for a criminal history record check utilizing the national indices made under any approved State statute shall be submitted through that State's criminal history record repository. A State criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indices only if such request is transmitted through another State criminal history record repository or the FBI.

c. Submission of Federal Requests.—Each request for criminal history record checks utilizing the national indices made under Federal authority shall be submitted through the FBI or, if the State criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the State in which such request originated. Direct access to the National Identification Index by entities other than the FBI and State criminal history records repositories shall not be permitted for noncriminal justice purposes.

d. Fees.—A State criminal history record repository or the FBI—

1. may charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and

2. may not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints.

e. Additional Search.—

1. If a State criminal history record repository cannot positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, shall be forwarded to the FBI for a search of the national indices.

2. If, with respect to a request forwarded by a State criminal history record repository under paragraph 1 of this section, the FBI positively identifies the subject as having a III System-indexed record or records—

A. the FBI shall so advise the State criminal history record repository; and

B. the State criminal history record repository shall be entitled to obtain the additional criminal history record information from the FBI or other State criminal history record repositories.

#### ARTICLE VI—ESTABLISHMENT OF COMPACT COUNCIL

##### a. Establishment.—

1. In general.—There is established a council to be known as the "Compact Council", which shall have the authority to promulgate rules and procedures governing the use of the III System for noncriminal justice purposes, not to conflict with FBI administration of the III System for criminal justice purposes.

##### 2. Organization.—The Council shall—

A. continue in existence as long as this Compact remains in effect;

B. be located, for administrative purposes, within the FBI; and

C. be organized and hold its first meeting as soon as practicable after the effective date of this Compact.

b. Membership.—The Council shall be composed of fifteen (15) members, each of whom shall be appointed by the Attorney General, as follows:

1. Nine members, each of whom shall serve a 2-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis.

2. Two at-large members, nominated by the Director of the FBI, each of whom shall serve a 3-year term, of whom—

A. one shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and

B. one shall be a representative of the noncriminal justice agencies of the Federal Government.

3. Two at-large members, nominated by the Chairman of the Council, once the Chairman is elected pursuant to Article VI(c), each of whom shall serve a 3-year term, of whom—

- A. one shall be a representative of State or local criminal justice agencies; and
- B. one shall be a representative of State or local noncriminal justice agencies.

4. One member, who shall serve a 3-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.

5. One member, nominated by the Director of the FBI, who shall serve a 3-year term, and who shall be an employee of the FBI.

c. Chairman and Vice Chairman.—

1. In general.—From its membership, the Council shall elect a Chairman and a Vice Chairman of the Council, respectively. Both the Chairman and Vice Chairman of the Council—

- A. shall be a Compact officer, unless there is no Compact officer on the Council who is willing to serve, in which case the Chairman may be an at-large member; and
- B. shall serve a 2-year term and may be reelected to only one additional 2-year term.

2. Duties of vice chairman.—The Vice Chairman of the Council shall serve as the Chairman of the Council in the absence of the Chairman.

d. Meetings.—

1. In general.—The Council shall meet at least once each year at the call of the Chairman. Each meeting of the Council shall be open to the public. The Council shall provide prior public notice in the Federal Register of each meeting of the Council, including the matters to be addressed at such meeting.

2. Quorum.—A majority of the Council or any committee of the Council shall constitute a quorum of the Council or of such committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

e. Rules, Procedures, and Standards.—The Council shall make available for public inspection and copying at the Council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the Council.

f. Assistance From FBI.—The Council may request from the FBI such reports, studies, statistics, or other information or materials as the Council determines to be necessary to enable the Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request.

g. Committees.—The Chairman may establish committees as necessary to carry out this Compact and may prescribe their membership, responsibilities, and duration.

## ARTICLE VII—RATIFICATION OF COMPACT

This Compact shall take effect upon being entered into by two or more States as between those States and the Federal Government. Upon subsequent entering into this Compact by additional States, it shall become effective among those States and the Federal Government and each Party State that has previously ratified it. When ratified, this Compact shall have the full force and effect of law within the ratifying jurisdictions. The form of ratification shall be in accordance with the laws of the executing State.

## ARTICLE VIII—MISCELLANEOUS PROVISIONS

a. Relation of Compact to Certain FBI Activities.—Administration of the Compact shall not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

b. No Authority for Nonappropriated Expenditures.—Nothing in this Compact shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

c. Relating to Public Law 92-544.—Nothing in this compact shall diminish or lessen the obligations, responsibilities, and authorities of any State, whether a Party State or a Nonparty State, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(a), regarding the use and dissemination of criminal history records and information.

## ARTICLE IX—RENUNCIATION

a. In General.—This Compact shall bind each Party State until renounced by the Party State.

b. Effect.—Any renunciation of this Compact by a Party State shall—

1. be effected in the same manner by which the Party State ratified this Compact; and

2. become effective 180 days after written notice of renunciation is provided by the Party State to each other Party State and to the Federal Government.

## ARTICLE X—SEVERABILITY

The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any participating State, or to the Constitution of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not

be affected thereby. If a portion of this Compact is held contrary to the constitution of any Party State, all other portions of this Compact shall remain in full force and effect as to the remaining Party States and in full force and effect as to the Party State affected, as to all other provisions.

ARTICLE XI-ADJUDICATION OF DISPUTES

a. In General.-The Council shall-

1. have initial authority to make determinations with respect to any dispute regarding-

- A. interpretation of this Compact;
- B. any rule or standard established by the Council pursuant to Article VI; and
- C. any dispute or controversy between any parties to this Compact; and

2. hold a hearing concerning any dispute described in paragraph 1 at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the Council. Such decision shall be published pursuant to the requirements of Article VI(e).

b. Duties of FBI.-The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the Council holds a hearing on such matters.

c. Right of Appeal.-The FBI or a Party State may appeal any decision of the Council to the Attorney General, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a State court shall be removed to the appropriate district court of the United States in the manner provided by Section 1446 of Title 28, United States Code, or other statutory authority.

SECTION 5. This act shall become effective July 1, 2001.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of May, 2001.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 17th day of May, 2001.

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Presiding Officer of the Senate