

§1703. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2001, c. 372, §3 (NEW).]

1. Attorney General. "Attorney General" means the Attorney General of the United States. [PL 2001, c. 372, §3 (NEW).]

2. Compact officer. "Compact officer" means:

A. With respect to the Federal Government, an official so designated by the Director of the FBI; or [PL 2001, c. 372, §3 (NEW).]

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. [PL 2001, c. 372, §3 (NEW).]

[PL 2001, c. 372, §3 (NEW).]

3. Council. "Council" means the compact council established under section 1707. [PL 2001, c. 372, §3 (NEW).]

4. Criminal history record repository. "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. [PL 2001, c. 372, §3 (NEW).]

[PL 2001, c. 372, §3 (NEW).]

5. Criminal history records. "Criminal history records" 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. "Criminal history records" does not include identification information such as fingerprint records if the information does not indicate involvement of the individual with the criminal justice system. [PL 2001, c. 372, §3 (NEW).]

[PL 2001, c. 372, §3 (NEW).]

6. Criminal justice. "Criminal justice" means activities relating to the detection, apprehension, detention, pretrial release, posttrial 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. [PL 2001, c. 372, §3 (NEW).]

[PL 2001, c. 372, §3 (NEW).]

7. Criminal justice agency. "Criminal justice agency" means:

A. A court; and [PL 2001, c. 372, §3 (NEW).]

B. A governmental agency or any subunit of an agency that performs the administration of criminal justice pursuant to a law or executive order and allocates a substantial part of its annual budget to the administration of criminal justice. "Criminal justice agency" includes federal and state inspector general offices. [PL 2001, c. 372, §3 (NEW).]

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8. Criminal justice services. "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. [PL 2001, c. 372, §3 (NEW).]

[PL 2001, c. 372, §3 (NEW).]

9. Direct access. "Direct access" means access to the national identification index by computer terminal or other automated means not requiring the assistance of or intervention by another party or agency.

[PL 2001, c. 372, §3 (NEW).]

10. Executive order. "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.

[PL 2001, c. 372, §3 (NEW).]

11. FBI. "FBI" means the Federal Bureau of Investigation.

[PL 2001, c. 372, §3 (NEW).]

12. III system. "III system" means the interstate identification index system that is the cooperative federal-state system for the exchange of criminal history records. "III system" includes the national indices and, to the extent of their participation in the system, the criminal history record repositories of the states and the FBI.

[PL 2001, c. 372, §3 (NEW).]

13. National fingerprint file. "National fingerprint file" means a database of fingerprints or of other uniquely personal identifying information that relates to an arrested or charged individual and that is maintained by the FBI to provide positive identification of subjects indexed in the III system.

[PL 2001, c. 372, §3 (NEW).]

14. National identification index. "National identification index" means an index maintained by the FBI consisting of names, identifying numbers and other descriptive information relating to subjects who have criminal history records in the III system.

[PL 2001, c. 372, §3 (NEW).]

15. National indices. "National indices" means the national identification index and the national fingerprint file.

[PL 2001, c. 372, §3 (NEW).]

16. Noncriminal justice purposes. "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.

[PL 2001, c. 372, §3 (NEW).]

17. Nonparty state. "Nonparty state" means a state that has not ratified this compact.

[PL 2001, c. 372, §3 (NEW).]

18. Party state. "Party state" means a state that has ratified this compact.

[PL 2001, c. 372, §3 (NEW).]

19. Positive identification. "Positive identification" means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a criminal history 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 does not constitute positive identification.

[PL 2001, c. 372, §3 (NEW).]

20. Sealed criminal history record information. "Sealed criminal history record information" means:

A. With respect to adults, that portion of a criminal history record that is:

- (1) Not available for criminal justice uses;
- (2) Not supported by fingerprints or other accepted means of positive identification; or

(3) 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 subject; and [PL 2001, c. 372, §3 (NEW).]

B. With respect to minors, whatever each state determines is a sealed criminal history record under its own law and procedure. [PL 2001, c. 372, §3 (NEW).]
[PL 2001, c. 372, §3 (NEW).]

21. State. "State" means any state, territory or possession of the United States.
[PL 2001, c. 372, §3 (NEW).]

SECTION HISTORY

PL 2001, c. 372, §3 (NEW).

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