

of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14601 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (a)(3)(C) to (F). Pub. L. 115-141, §604(a)(1), added subpar. (C) and redesignated former subpars. (C) to (E) as (D) to (F), respectively.

Subsec. (b)(6). Pub. L. 115-141, §604(a)(2), substituted “section 40901(b) of this title” for “section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note)” and inserted before semicolon at end “, including through increased efforts to pre-validate the contents of felony conviction records and domestic violence records to expedite eligibility determinations, and measures and resources necessary to establish and achieve compliance with an implementation plan under section 40917 of this title”.

Subsec. (d). Pub. L. 115-141, §604(a)(3), inserted “the State has achieved compliance with an implementation plan under section 40917 of this title or” after “unless”.

Subsec. (e)(1). Pub. L. 115-141, §604(a)(4), substituted “2018 through 2022” for “2002 through 2007”.

2006—Subsec. (c)(2)(G). Pub. L. 109-162 substituted “such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program” for “such as the Local Law Enforcement Block Grant program (described under the heading ‘Violent Crime Reduction Programs, State and Local Law Enforcement Assistance’ of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)) and the M.O.R.E. program”.

2001—Subsec. (b)(18). Pub. L. 107-56, §1015(1), added par. (18).

Subsec. (e)(1). Pub. L. 107-56, §1015(2), substituted “this section \$250,000,000 for each of fiscal years 2002 through 2007” for “this section \$250,000,000 for each of fiscal years 1999 through 2003”.

2000—Subsec. (b)(17). Pub. L. 106-177 added par. (17).

Subsec. (e)(2)(B) to (D). Pub. L. 106-561 inserted “and” after semicolon in subpar. (B), redesignated subpar. (D) as (C), and struck out former subpar. (C) which read as follows: “not less than 20 percent shall be used by the Attorney General for the purposes described in paragraph (11) of subsection (b); and”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109-162, set out as a note under section 10151 of this title.

§ 40302. Funding for improvement of criminal records

(1) Grants for the improvement of criminal records

The Attorney General, through the Bureau of Justice Statistics, shall, subject to appropriations and with preference to States that, as of March 23, 2018, have the lowest percent currency of case dispositions in computerized criminal history files and that will utilize funding under this subsection to prioritize the identification and transmittal of felony conviction records and domestic violence records, make a grant to each State to be used—

(A) for the creation of a computerized criminal history record system or improvement of an existing system;

(B) to improve accessibility to the national instant criminal background system;

(C) to assist the State in the transmittal of criminal records to the national system; and

(D) to establish and achieve compliance with an implementation plan under section 40917 of this title.

(2) Authorization of appropriations

There are authorized to be appropriated for grants under paragraph (1) a total of \$200,000,000 for fiscal year 1994 and all fiscal years thereafter.

(Pub. L. 103-159, title I, §106(b), Nov. 30, 1993, 107 Stat. 1544; Pub. L. 103-322, title XXI, §210603(b), Sept. 13, 1994, 108 Stat. 2074; Pub. L. 104-294, title VI, §603(i)(1), Oct. 11, 1996, 110 Stat. 3504; Pub. L. 115-141, div. S, title VI, §604(b), Mar. 23, 2018, 132 Stat. 1136.)

Editorial Notes

CODIFICATION

Section is comprised of subsec. (b) of section 106 of Pub. L. 103-159. Subsec. (a) of section 106 of Pub. L. 103-159 amended former section 3759 of Title 42, The Public Health and Welfare.

Section was enacted as part of the Brady Handgun Violence Prevention Act and not as part of the Crime Identification Technology Act of 1998 which comprises this subchapter.

Section was formerly classified as a note under section 922 of Title 18, Crimes and Criminal Procedure, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Par. (1). Pub. L. 115-141, §604(b)(1), in introductory provisions, substituted “, as of March 23, 2018,” for “as of November 30, 1993,” and “files and that will utilize funding under this subsection to prioritize the identification and transmittal of felony conviction records and domestic violence records,” for “files.”

Par. (1)(C). Pub. L. 115-141, §604(b)(3)(A), struck out “upon establishment of the national system,” before “to assist the State”.

Par. (1)(D). Pub. L. 115-141, §604(b)(2), (3)(B), (4), added subpar. (D).

1996—Par. (2). Pub. L. 104-294, §603(i)(1), amended directory language of Pub. L. 103-322, §210603(b). See 1994 Amendment note below.

1994—Par. (2). Pub. L. 103-322, §210603(b), as amended by Pub. L. 104-294, §603(i)(1), struck out “, which may be appropriated from the Violent Crime Reduction Trust Fund established by section 1115 of title 31, United States Code,” after “grants under paragraph (1)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-294, title VI, §603(i)(2), Oct. 11, 1996, 110 Stat. 3504, provided that: “The amendment made by paragraph (1) [amending section 210603(b) of Pub. L. 103-322, which amended this section and section 40901 of this title] shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) [Pub. L. 103-322] on the date of the enactment of such Act [Sept. 13, 1994].”

SUBCHAPTER II—EXCHANGE OF CRIMINAL HISTORY RECORDS FOR NONCRIMINAL JUSTICE PURPOSES

§ 40311. Findings

Congress 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 non-criminal justice purposes on a uniform basis, while permitting each State to effectuate its own dissemination policy within its own borders; and

(5) such a compact will allow Federal and State records to be provided expeditiously to governmental and nongovernmental agencies that use such 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.

(Pub. L. 105-251, title II, §212, Oct. 9, 1998, 112 Stat. 1874.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14611 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40312. Definitions

In this subchapter:

(1) Attorney General

The term “Attorney General” means the Attorney General of the United States.

(2) Compact

The term “Compact” means the National Crime Prevention and Privacy Compact set forth in section 40316 of this title.

(3) Council

The term “Council” means the Compact Council established under Article VI of the Compact.

(4) FBI

The term “FBI” means the Federal Bureau of Investigation.

(5) Party State

The term “Party State” means a State that has ratified the Compact.

(6) State

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

(Pub. L. 105-251, title II, §213, Oct. 9, 1998, 112 Stat. 1874.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14612 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40313. Enactment and consent of the United States

The National Crime Prevention and Privacy Compact, as set forth in section 40316 of this title, is enacted into law and entered into by the Federal Government. The consent of Congress is given to States to enter into the Compact.

(Pub. L. 105-251, title II, §214, Oct. 9, 1998, 112 Stat. 1875.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14613 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 40314. Effect on other laws

(a) Privacy Act of 1974

Nothing in the Compact shall affect the obligations and responsibilities of the FBI under section 552a of title 5 (commonly known as the “Privacy Act of 1974”).

(b) Access to certain records not affected

Nothing in the Compact shall interfere in any manner with—

(1) access, direct or otherwise, to records pursuant to—

(A) section 9101 of title 5;

(B) the National Child Protection Act¹ [34 U.S.C. 40101 et seq.];

(C) the Brady Handgun Violence Prevention Act (Public Law 103-159; 107 Stat. 1536);

(D) the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 2074) or any amendment made by that Act;

(E) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); or

(F) the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); or

(2) any direct access to Federal criminal history records authorized by law.

(c) Authority of FBI under Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973

Nothing in 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)).

(d) 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.).

(e) 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

¹ See References in Text note below.