

(B) who—

(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a qualified entity; or

(ii) owns or operates, or seeks to own or operate, a qualified entity;

(10) the term “qualified entity” means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services;

(11) the term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific; and

(12) the term “designated entity” means an entity designated by the Attorney General under section 40102(f)(2)(A) of this title.

(Pub. L. 103-209, § 5, Dec. 20, 1993, 107 Stat. 2493; Pub. L. 103-322, title XXXII, § 320928(a)(3), (j), Sept. 13, 1994, 108 Stat. 2132, 2133; Pub. L. 107-110, title X, § 1075, Jan. 8, 2002, 115 Stat. 2090; Pub. L. 115-141, div. S, title I, § 101(a)(2), Mar. 23, 2018, 132 Stat. 1126.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 5119c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

##### AMENDMENTS

2018—Par. (9). Pub. L. 115-141, § 101(a)(2)(A), amended par. (9) generally. Prior to amendment, par. (9) defined the term “provider”.

Par. (12). Pub. L. 115-141, § 101(a)(2)(B)-(D), added par. (12).

2002—Par. (9)(A)(i). Pub. L. 107-110, § 1075(1), inserted before semicolon at end “(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

Par. (9)(B)(1). Pub. L. 107-110, § 1075(2), inserted before semicolon at end “(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)”.

1994—Par. (5). Pub. L. 103-322, § 320928(a)(3)(A), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “the term ‘child care’ means the provision of care, treatment, education, training, instruction, supervision, or recreation to children by persons having unsupervised access to a child;”.

Pars. (6), (7). Pub. L. 103-322, § 320928(j)(2), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Par. (8). Pub. L. 103-322, § 320928(j)(1), redesignated par. (6) as (8). Former par. (8) redesignated (10).

Pub. L. 103-322, § 320928(a)(3)(B), substituted “care” for “child care” wherever appearing.

Pars. (9) to (11). Pub. L. 103-322, § 320928(j)(1), redesignated pars. (7) to (9) as (9) to (11), respectively.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

#### Executive Documents

##### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### CHAPTER 403—CRIMINAL JUSTICE IDENTIFICATION, INFORMATION, AND COMMUNICATION

##### SUBCHAPTER I—CRIME IDENTIFICATION TECHNOLOGY

Sec.

40301. State grant program for criminal justice identification, information, and communication.

40302. Funding for improvement of criminal records.

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

40311. Findings.

40312. Definitions.

40313. Enactment and consent of the United States.

40314. Effect on other laws.

40315. Enforcement and implementation.

40316. National Crime Prevention and Privacy Compact.

##### SUBCHAPTER I—CRIME IDENTIFICATION TECHNOLOGY

#### § 40301. State grant program for criminal justice identification, information, and communication

##### (a) In general

Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs relying principally on the expertise of the Bureau of Justice Statistics shall make a grant to each State, in a manner consistent with the national criminal history improvement program, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to establish or upgrade an integrated approach to develop information and identification technologies and systems to—

(1) upgrade criminal history and criminal justice record systems, including systems operated by law enforcement agencies and courts;

(2) improve criminal justice identification;

(3) promote compatibility and integration of national, State, and local systems for—

(A) criminal justice purposes;

(B) firearms eligibility determinations;

(C) identification of all individuals who have been convicted of a crime punishable by imprisonment for a term exceeding 1 year<sup>1</sup>

(D) identification of sexual offenders;

(E) identification of domestic violence offenders; and

(F) background checks for other authorized purposes unrelated to criminal justice; and

(4) capture information for statistical and research purposes to improve the administration of criminal justice.

<sup>1</sup> So in original. Probably should be followed by a semicolon.

**(b) Use of grant amounts**

Grants under this section may be used for programs to establish, develop, update, or upgrade—

- (1) State centralized, automated, adult and juvenile criminal history record information systems, including arrest and disposition reporting;
- (2) automated fingerprint identification systems that are compatible with standards established by the National Institute of Standards and Technology and interoperable with the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation;
- (3) finger imaging, live scan, and other automated systems to digitize fingerprints and to communicate prints in a manner that is compatible with standards established by the National Institute of Standards and Technology and interoperable with systems operated by States and by the Federal Bureau of Investigation;
- (4) programs and systems to facilitate full participation in the Interstate Identification Index of the National Crime Information Center;
- (5) systems to facilitate full participation in any compact relating to the Interstate Identification Index of the National Crime Information Center;
- (6) systems to facilitate full participation in the national instant criminal background check system established under section 40901(b) of this title for firearms eligibility determinations, 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;
- (7) integrated criminal justice information systems to manage and communicate criminal justice information among law enforcement agencies, courts, prosecutors, and corrections agencies;
- (8) noncriminal history record information systems relevant to firearms eligibility determinations for availability and accessibility to the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);<sup>2</sup>
- (9) court-based criminal justice information systems that promote—
  - (A) reporting of dispositions to central State repositories and to the Federal Bureau of Investigation; and
  - (B) compatibility with, and integration of, court systems with other criminal justice information systems;
- (10) ballistics identification and information programs that are compatible and integrated with the National Integrated Ballistics Network (NIBN);
- (11) the capabilities of forensic science programs and medical examiner programs related

to the administration of criminal justice, including programs leading to accreditation or certification of individuals or departments, agencies, or laboratories, and programs relating to the identification and analysis of deoxyribonucleic acid;

- (12) sexual offender identification and registration systems;
- (13) domestic violence offender identification and information systems;
- (14) programs for fingerprint-supported background checks capability for noncriminal justice purposes, including youth service employees and volunteers and other individuals in positions of responsibility, if authorized by Federal or State law and administered by a government agency;
- (15) criminal justice information systems with a capacity to provide statistical and research products including incident-based reporting systems that are compatible with the National Incident-Based Reporting System (NIBRS) and uniform crime reports;
- (16) multiagency, multijurisdictional communications systems among the States to share routine and emergency information among Federal, State, and local law enforcement agencies;
- (17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care; and
- (18) notwithstanding subsection (c), antiterrorism purposes as they relate to any other uses under this section or for other antiterrorism programs.

**(c) Assurances****(1) In general**

To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State has the capability to contribute pertinent information to the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).<sup>2</sup>

**(2) Information sharing**

Such assurances shall include a provision that ensures that a statewide strategy for information sharing systems is underway, or will be initiated, to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. The strategy shall be prepared after consultation with State and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and shall contain—

- (A) a definition and analysis of “integration” in the State and localities developing integrated information sharing systems;

<sup>2</sup> See References in Text note below.

(B) an assessment of the criminal justice resources being devoted to information technology;

(C) Federal, State, regional, and local information technology coordination requirements;

(D) an assurance that the individuals who developed the grant application took into consideration the needs of all branches of the State Government and specifically sought the advice of the chief of the highest court of the State with respect to the application;

(E) State and local resource needs;

(F) the establishment of statewide priorities for planning and implementation of information technology systems; and

(G) a plan for coordinating the programs funded under this subchapter with other federally funded information technology programs, including directly funded local programs such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program established pursuant to part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10381 et seq.].

**(d) Matching funds**

The Federal share of a grant received under this subchapter may not exceed 90 percent of the costs of a program or proposal funded under this subchapter unless the State has achieved compliance with an implementation plan under section 40917 of this title or the Attorney General waives, wholly or in part, the requirements of this subsection.

**(e) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2018 through 2022.

**(2) Limitations**

Of the amount made available to carry out this section in any fiscal year—

(A) not more than 3 percent may be used by the Attorney General for salaries and administrative expenses;

(B) not more than 5 percent may be used for technical assistance, training and evaluations, and studies commissioned by Bureau of Justice Statistics of the Department of Justice (through discretionary grants or otherwise) in furtherance of the purposes of this section; and

(C) the Attorney General shall ensure the amounts are distributed on an equitable geographic basis.

**(f) Grants to Indian tribes**

Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

(Pub. L. 105-251, title I, §102, Oct. 9, 1998, 112 Stat. 1871; Pub. L. 106-177, title I, §102, Mar. 10, 2000, 114 Stat. 35; Pub. L. 106-561, §2(c)(4), Dec. 21, 2000, 114 Stat. 2791; Pub. L. 107-56, title X, §1015, Oct. 26, 2001, 115 Stat. 400; Pub. L. 109-162, title

XI, §1111(c)(1), Jan. 5, 2006, 119 Stat. 3101; Pub. L. 115-141, div. S, title VI, §604(a), Mar. 23, 2018, 132 Stat. 1136.)

**Editorial Notes**

REFERENCES IN TEXT

Section 103(b) of the Brady Handgun Violence Prevention Act, referred to in subsecs. (b)(8) and (c)(1), is section 103(b) of Pub. L. 103-159, which was set out as a note under section 922 of Title 18, Crimes and Criminal Procedure, prior to editorial reclassification as section 40901(b) of this title.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c)(2)(G), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197. Part Q of title I of the Act is classified generally to subchapter XVI (§10381 et seq.) of chapter 101 of this title. For complete classification 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 (1) 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 noncriminal 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.