

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 607
Committee Substitute Favorable 4/28/21

Short Title: LEO Background Checks/FBI Rap Back Services.

(Public)

Sponsors:

Referred to:

April 21, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE STATE BUREAU OF INVESTIGATION TO PROVIDE CRIMINAL BACKGROUND CHECKS FOR THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION AND TO IMPLEMENT THE USE OF THE FEDERAL BUREAU OF INVESTIGATION'S RECORD OF ARREST AND PROSECUTION BACKGROUND (RAP BACK) SERVICE FOR LAW ENFORCEMENT HIRING PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-972.1. Criminal record checks for North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Sheriffs' Education and Training Standards Commission; fingerprints sent to Federal Bureau of Investigation.

(a) The Department of Public Safety shall provide to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission information from the State and National Repositories of Criminal Histories the criminal history of any person who applies for certification or is certified as a criminal justice officer or justice officer or any other position that requires certification with either Commission. The Commissions shall provide to the State Bureau of Investigation the fingerprints of the applicants and certified officers and any other identifying information requested by the State Bureau of Investigation related to the requirements of relevant State and federal information databases, as well as its own information databases.

(b) The State Bureau of Investigation shall enroll each individual whose fingerprints are received under this section in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service.

(c) The State Bureau of Investigation shall maintain the fingerprints of the applicants and certified officers submitted pursuant to this section in the Statewide Automated Fingerprint Identification System (SAFIS) consistent with SubChapter B of Chapter 09 and SubChapter B of Chapter 10 of Title 12 of the North Carolina Administrative Code.

(d) Within 15 business days of receiving notification by either Commission that the individual whose fingerprints have been stored in SAFIS pursuant to subsection (c) of this section has separated from employment and a Department of Justice Report of Separation Form F-5B has been filed with either Commission, the State Bureau of Investigation shall remove the individual's fingerprints from SAFIS.



1 (e) The Commissions shall keep all information obtained pursuant to this section
2 confidential."

3 **SECTION 2.** No later than June 30, 2022, any person certified by the North Carolina
4 Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs'
5 Education and Training Standards Commission on the effective date of this act shall
6 electronically submit their fingerprints to the State Bureau of Investigation or, if so directed, to
7 their certifying Commission, who shall forward the fingerprints to the State Bureau of
8 Investigation. The State Bureau of Investigation shall search the State's criminal history record
9 file, shall forward a set of fingerprints to the Federal Bureau of Investigation for a national
10 criminal history record check, and shall maintain the fingerprints pursuant to G.S. 143B-972.1
11 as enacted by Section 1 of this act.

12 **SECTION 3.** This act is effective when it becomes law.