

# SEARCH

## *The National Consortium for Justice Information and Statistics*

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The U.S. Department of Justice asked SEARCH to collect certain information from the states regarding an individual’s right to obtain his or her own criminal history record for review or challenge purposes. A brief six-question survey was presented to the fifty states plus Puerto Rico and the Virgin Islands on November 10, 2005. The following pages contain breakdowns of the 40 responses received as of Tuesday, January 17, 2006.

Question 1: Under what circumstances may individuals review or obtain copies of their own criminal history records (e.g. any purpose, specified purposes only)?

| STATE      | ANY PURPOSE | EMPLOYMENT PURPOSES | REVIEW FOR CHALLENGE | REVIEW FOR ACCURACY & COMPLETENESS | POSSIBLE IDENTITY THEFT | OTHER / NOTES  |
|------------|-------------|---------------------|----------------------|------------------------------------|-------------------------|--|
| Alabama    |             |                     |                      |                                    |                         |  |
| Alaska     |             |                     |                      |                                    |                         |  |
| Arizona    |             |                     |                      | X                                  |                         |  |
| Arkansas   | X           |                     |                      |                                    |                         |  |
| California | X           |                     |                      |                                    |                         | Under existing California law, individuals can obtain a copy of their criminal history record (CA Penal Code section 11121). This penal code section does not reference a purpose, but there are restrictions on dissemination based on a court order as well as restrictions about who it can be shared with (CA Penal code sections 11125 and 11142) |
| Colorado   | X           |                     |                      |                                    |                         | Colorado has an Open Records Law, Colorado Revised Statute (C.R.S.) 24-72-201, allowing any person to obtain his or her criminal history record, with the exceptions of juvenile, sealed or expunged records. These criminal history records are available on the internet for a fee of  |

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|                      |   |  |   |   |  | \$6.85, or \$13.00 for a manual search by written request to the CBI. If a fingerprint based request is received from an individual for the purpose of a public check, the fee is \$16.50.   |
| Connecticut          | X |  |   |   |  | Review is free. Copies involve fees.   |
| Delaware             | X |  |   |   |  |  |
| District of Columbia |   |  |   |   |  |  |
| Florida              |   |  |   | X |  |  |
| Georgia              | X |  |   |   |  |  |
| Hawaii               | X |  |   |   |  | Conviction information is public record in Hawaii, but upon request, a person may review his/her entire criminal history record, convictions, and non-convictions, for any purpose.  |
| Idaho                | X |  |   |   |  |  |
| Illinois             | X |  |   |   |  |  |
| Indiana              |   |  |   |   |  |  |
| Iowa                 | X |  |   |   |  |  |
| Kansas               |   |  |   | X |  |  |
| Kentucky             |   |  |   | X |  |  |
| Louisiana            | X |  |   |   |  | Review only  |
| Maine                |   |  |   |   |  |  |
| Maryland             |   |  |   |   |  |  |
| Massachusetts        | X |  |   |   |  |  |
| Michigan             | X |  |   |   |  |  |
| Minnesota            | X |  |   |   |  | An individual may review/obtain copies of their own criminal history records for any purpose. However, there is a limit on how often they may request a personal review. This is limited by state law to once in six months unless there are pending issues with the record. |
| Mississippi          |   |  |   |   |  |  |
| Missouri             | X |  |   |   |  |  |
| Montana              |   |  | X |   |  | Only to assure accuracy & completeness   |
| Nebraska             | X |  |   |   |  |  |
| Nevada               | X |  |   |   |  |  |
| New Hampshire        |   |  |   |   |  |  |
| New Jersey           |   |  |   | X |  |  |
| New Mexico           | X |  |   |   |  | With state release form.   |
| New York             |   |  |   | X |  | New York State guarantees the right of any individual to review any and all personal   |

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|              |   |  |  |   |  | criminal history record information maintained on file at the Division of Criminal Justice Services, which is the State's repository for such data, pursuant to Part 9 of New York Code of Rules and Regulations §6050.1.   |
| N. Carolina  | X |  |  |   |  | Including immigration & international adoption. We suggest that people contact the FBI for a national individual's right to review check.   |
| N. Dakota    | X |  |  |   |  | Individuals may review their record for free at any local law enforcement agency in our state, or at our office (North Dakota BCI). They may take whatever notes they would like, but if they want a copy of that record, they must request it from our office and pay the same fee that any other requestor would pay. |
| Ohio         | X |  |  |   |  |   |
| Oklahoma     | X |  |  |   |  | Open records state. Any individual can obtain a copy of their record for any purpose. However, an individual can only review their record once for accuracy purposes.   |
| Oregon       |   |  |  |   |  |   |
| Pennsylvania | X |  |  |   |  | Individuals or their representatives may request for any purpose. Incarcerated persons may use for review, challenge and appeal. Conviction information only will be supplied to any person other than the individual, their legal representative or a criminal justice agency.   |
| Puerto Rico  | X |  |  |   |  | For local convictions, through a State Police background check Certificate.   |
| Rhode Island | X |  |  |   |  |   |
| S. Carolina  | X |  |  |   |  |   |
| S. Dakota    | X |  |  |   |  |   |
| Tennessee    |   |  |  |   |  |   |
| Texas        | X |  |  |   |  | For personal review   |
| Utah         |   |  |  |   |  |   |
| Vermont      | X |  |  |   |  |   |
| Virginia     | X |  |  |   |  | Must complete form SP-167 "Criminal History Record Name Search Request"   |
| Washington   |   |  |  | X |  | All Washington state criminal justice agencies must permit an individual who is, or believes he/she may be, the subject of a criminal record  |

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|             |   |  |  |  |  | maintained by that agency, to appear in person during normal business hours of that agency and request to see the criminal history record information pertaining to the individual. The subject cannot retain or mechanically reproduce any non-conviction data except for the purpose of challenge or correction when the person who is the subject of the record asserts the belief in writing that the information is inaccurate or incomplete. Conviction criminal history record information may be released without restriction and may be subject to a fee. |
| W. Virginia | X |  |  |  |  | Individual may obtain and review copies of their own criminal record for any purpose they choose upon our receipt of proper fee and release authorization.   |
| Wisconsin   | X |  |  |  |  | Adult criminal history records in Wisconsin are considered public record. Any person may obtain a copy by making a request either by mail or online and pay the appropriate fee. There is no special provision for a person to obtain a copy for review, the requestor follows the same procedure as any other requestor.  |
| Wyoming     |   |  |  |  |  |  |

Question 2: What is the procedure for individuals to submit fingerprints to review or obtain their own records under existing practices?

| STATE                | IN PERSON-FORM W/PRINTS | PRESENT CERTIFIED PRINTS FROM LAW ENFORCEMENT AGENCY | NAME SEARCH ONLY | NONE | OTHER/NOTES  |
|----------------------|-------------------------|--|------------------|------|--|
| Alabama              |                         |  |                  |      |  |
| Alaska               |                         |  |                  |      |  |
| Arizona              |                         | X  |                  |      | Individuals wishing to review their record must submit a full set of rolled inked fingerprints that can be classified. This procedure ensures positive identification and ensures that the subject of record receives the correct record.  |
| Arkansas             |                         |  | X                |      | Signed, notarized consent form. Fingerprints not required.   |
| California           |                         | X  |                  |      | Under existing practice, the Department of Justice provides an individual with a record review package which requires the individual be fingerprinted and pay a mandated fee of \$25.00, unless the person proves indigence. The fingerprints are compared to the Department's fingerprint files and if there is a record, the individual is provided a copy of the record. If there is no record the individual receives a letter confirming they have no criminal history (CA Penal Code sections 11122, 11123 and 11124). |
| Colorado             | X                       |  |                  |      | If forwarded to the FBI, additional \$22.00 fee is charged.  |
| Connecticut          | X                       |  |                  |      |  |
| Delaware             | X                       |  |                  |      | Three locations statewide where individuals may be fingerprinted for background checks.  |
| District of Columbia |                         |  |                  |      |  |
| Florida              |                         | X  |                  |      | Requestor completes a form provided by FDLE, and fingerprints must be taken by a law enforcement agency. That agency sends the request and prints to FDLE headquarters in Tallahassee, and it is processed by the Quality Control Section  |
| Georgia              |                         | X  |                  |      | Records may be obtained from the state repository via submission of fingerprints. Records may be obtained from local agencies upon signed consent and identity verification.   |
| Hawaii               |                         | X  |                  |      | A request is made to the Hawaii Criminal Justice Data Center, and a packet is sent to the requestor with instructions on obtaining fingerprints.   |
| Idaho                |                         | X  |                  |      | Fingerprints necessary for certified record copy. Name-based check can be conducted but results are not certified.   |
| Illinois             |                         | X  |                  |      | Individual must be fingerprinted by a Criminal Justice Agency on and Access & Review fingerprint card. That card is forwarded to the State Police Bureau of Identification for processing. After   |

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|               |   |   |   |  | processing, the report is returned to the submitting agency, who then notifies the person that the record is available for review. Report has form attached for corrections if needed. Correction requests are then submitted to Bureau of Identification for verification & change processing. Letter describing changes made/not made is sent to requestor in care of the agency that originally provided the fingerprints. |
| Indiana       |   |   |   |  |   |
| Iowa          |   |   | X |  | If there is a question or challenge based on name search, Iowa has the person submit their fingerprints at that time.   |
| Kansas        | X |   |   |  | Must submit fingerprint card with letter stating reason for review, along with appropriate fee.   |
| Kentucky      | X |   |   |  | Fingerprints are obtained at time of review, and are used to verify the identity of the review subject.   |
| Louisiana     | X |   |   |  |   |
| Maine         |   |   |   |  |   |
| Maryland      |   |   |   |  |   |
| Massachusetts |   | X |   |  | Current procedures are informal and involve contacting state AFIS or local PD to take prints. Massachusetts is attempting to standardize a process.   |
| Michigan      |   | X |   |  | Record Review: submit fingerprints with \$30 and address for where to send responses. Record Challenge: Submit copy of the record being challenged, along with fingerprints (no fee for a record challenge)   |
| Minnesota     | X |   |   |  | An individual may come to our office to request a copy of his/her own record. If there is a record, the individual is fingerprinted for verification purposes prior to releasing the record. If an individual is unable to come to our office, he/she may request their record in writing. If there is a question as to whether or not the record is theirs, fingerprints are requested. Otherwise, the record is released.   |
| Mississippi   |   |   |   |  |   |
| Missouri      | X |   |   |  | No procedure to just review without receiving a copy  |
| Montana       | X |   |   |  | Fill out & sign form, submit to fingerprinting, pay fee.  |
| Nebraska      | X |   |   |  | Two fingerprint cards submitted with fee, and are compared against State AFIS system.   |
| Nevada        |   | X |   |  | Individuals submit fingerprint cards, fees and a letter stating that the request for their criminal history record is for their personal use only.  |
| New Hampshire |   |   |   |  |   |
| New Jersey    | X |   |   |  |   |
| New Mexico    |   |   | X |  | No fingerprints necessary unless there is a question of identity. A   |

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|              |   |   |   |   | name check is conducted based on information provided (name, DOB, SOC)   |
| New York     |   | X |   |   | An individual requests a personal record review packet by phone, e-mail, letter, or through their attorney. DCJS mails the record review packet to the individual's home address, or to their attorney. In the case of incarcerated individuals, the packet is mailed to the jail or prison. A person seeking a copy of their record will submit a complete set of their fingerprints to DCJS. The fingerprints are fully processed to associate them to the person's criminal history record. Upon identification, the full record is mailed to the individual. |
| N. Carolina  |   | X |   |   | Individuals must be fingerprinted at a law enforcement agency for a Right to Review purpose. Print card and certified check or money order are sent to NC State Bureau of Investigation, Attn: Right to Review. This is for NC state records check only,.  |
| N. Dakota    |   |   | X |   | Do not necessarily have to provide fingerprints. Our administrative rules allow individuals to review their record at any local law enforcement agency in our state or at our office by providing proper identification.   |
| Ohio         | X |   |   |   | Subject must submit a completed Ohio Civilian Background Check Fingerprint Card. A waiver form on the reverse side of the card must be signed by the applicant. This form authorizes Ohio BCI&I to release criminal arrest information to the requesting agency or requesting individual.  |
| Oklahoma     | X |   |   |   | Individuals may request to review/obtain their record by submitting fingerprints or name search. They may conduct these reviews in person only. Each person may only receive one review free of charge.  |
| Oregon       |   |   |   |   |  |
| Pennsylvania |   |   | X |   | There are no procedures in place for the public to do fingerprint based checks for non-criminal justice criminal history record checks. Presently, criminal history record request inquiries are performed using name, date of birth and social security number. Physical identifiers such as sex and race may be included, but are not usually used as discriminators.  |
| Puerto Rico  |   |   |   | X | No procedure in place  |
| Rhode Island |   |   | X |   | Fingerprint check only done if discrepancy is found during the name based search.  |
| S. Carolina  |   | X |   |   |  |
| S. Dakota    | X |   |   |   | If the individual submits his fingerprints, signs a release form and pays \$15.00, SD DCI will provide a state background check response back to him.  |
| Tennessee    |   |   |   |   |  |

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| Texas          |   | X |  |  | Individuals must make the request and submit a full set of 10 rolled prints along with simultaneous impressions and demographic information which includes name, sex, race, date of birth and social security number.   |
| Utah           |   |   |  |  |   |
| Vermont        | X |   |  |  |   |
| Virginia       |   | X |  |  | May be fingerprinted at any law enforcement agency, and submit with Form SP-167   |
| Virgin Islands |   |   |  |  |   |
| Washington     | X |   |  |  | The criminal justice agency must provide a request form to be completed by the person who is, or believes he/she may be, the subject of a criminal record maintained by that agency. The form includes the subject's name, date of birth, place of birth and fingerprints of the four right fingers taken simultaneously. The criminal justice agency may accept other identification in lieu of fingerprints. To obtain a copy for review of the state level criminal history maintained by the central repository, the criminal justice agency must submit an application fingerprint card with the subject's ten rolled and flat fingerprint impressions to the state repository. The reason fingerprinted must indicate "Record Review." The repository will provide the state level criminal history record to the criminal justice agency and the criminal justice agency will contact the subject of record to arrange review of the record. |
| W. Virginia    |   | X |  |  | To obtain a criminal background on themselves, they must complete a request form, which we will provide. We will send a set of instructions and the request form. The form requires the inked application of the individual's fingerprints and signature, as well as other identifying information.   |
| Wisconsin      |   | X |  |  | The requestor submits a set of rolled fingerprints and a fee of \$15 to obtain their record based on a fingerprint search.  |
| Wyoming        |   |   |  |  |   |

Question 3: Are there any restrictions for how a record can be used once it is obtained by the individual?

| STATE                | STATED PURPOSE ONLY | NO RESTRICTIONS | PROVIDE FOR REVIEW ONLY | OTHER/NOTES  |
|----------------------|---------------------|-----------------|-------------------------|--|
| Alabama              |                     |                 |                         |  |
| Alaska               |                     |                 |                         |  |
| Arizona              |                     |                 | X                       | Pursuant to Arizona statute, the subject of a criminal record may review the information contained in the record for the sole purpose of reviewing the accuracy and completeness of the record.  |
| Arkansas             |                     | X               |                         | Record is stamped "Released to Individual"   |
| California           | X                   |                 |                         | An individual that has received a copy of their record and knowingly gives the record to a person unauthorized by law to receive the record is guilty of a misdemeanor (CA Penal code section 11142).  |
| Colorado             | X                   |                 |                         | Per C.R.S. 24-72-201, the record may not be used for pecuniary gain. The FBI also has restrictions regarding dissemination to nongovernmental entities, per PL 92-544.   |
| Connecticut          |                     | X               |                         |  |
| Delaware             |                     | X               |                         |  |
| District of Columbia |                     |                 |                         |  |
| Florida              | X                   |                 |                         | State law requires that all criminal records be used only for the purpose requested, but there is no current mechanism to confirm that criminal records from a personal review are not used for purposes other than verification and correction of a record. |
| Georgia              |                     | X               |                         | No restrictions are provided in statute. Records provided by the Georgia Crime Information Center, especially for record inspection/challenge, will include a signed "certificate" which indicates the reason for the record request and time limitations.   |
| Hawaii               |                     | X               |                         | No restrictions, although the printout is stamped with "For Access and Review Only."   |
| Idaho                |                     | X               |                         |  |
| Illinois             |                     |                 | X                       | The individual is not permitted to leave the law enforcement agency with the rap sheet unless identifiers have been removed.   |
| Indiana              |                     |                 |                         |  |
| Iowa                 |                     | X               |                         |  |
| Kansas               |                     | X               |                         | Persons are, however, discouraged from sharing the history received, as it contains the entire history, where someone else would only receive conviction information.  |
| Kentucky             |                     |                 | X                       | Information returned may only be used to initiate a record challenge or as a resource for the subject to gather information to update or correct the record.   |

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| Louisiana     |   |   | X | Individuals are not provided copies. They may take notes only.  |
| Maine         |   |   |   |   |
| Maryland      |   |   |   |   |
| Massachusetts | X |   |   | MGL.c6, section 172 prohibits requiring an individual to provide his own record for any purpose. MGL c-151B specifies what type of questions regarding criminal records can be asked of an applicant for employment.  |
| Michigan      |   | X |   |   |
| Minnesota     |   | X |   |   |
| Mississippi   |   |   |   |   |
| Missouri      | X |   |   | Statute broadly states that CHRI obtained from the central repository shall be used solely for the purpose for which they were obtained. Employers / providers are warned of the possibility of tampering with the record.  |
| Montana       |   |   | X | Only to verify correct information, and challenge / correct if needed.  |
| Nebraska      |   | X |   |   |
| Nevada        | X |   |   | The requested criminal history is to be used for the individual's personal use only and a letter from the individual is required stating this.  |
| New Hampshire |   |   |   |   |
| New Jersey    |   |   | X | The SBI requires a letter stating the request is for Review and Challenge. Beyond that, there are no restrictions placed upon the requestor.  |
| New Mexico    |   | X |   |   |
| New York      |   | X |   | There are no restrictions on the personal use of the record other than it cannot be used to supplant a criminal history background check that is required by state statute, or local law, in connection with an application for certain types of employment or license. |
| N. Carolina   |   | X |   | Individuals may disseminate as they wish.   |
| N. Dakota     |   | X |   |   |
| Ohio          |   | X |   |   |
| Oklahoma      |   |   | X | If an individual, as part of a review process, receives a copy of their record, the individual is advised that the report is for personal use only, and should not be used for commercial purposes.   |
| Oregon        |   |   |   |   |
| Pennsylvania  |   | X |   | Decisions regarding use of the record are left up to the individual, if requesting his / her own record. There are restrictions for records requested by other parties such as licensing agencies or employers.   |
| Puerto Rico   |   | X |   |   |
| Rhode Island  |   | X |   |   |
| S. Carolina   |   | X |   | State has open records law.   |
| S. Dakota     |   |   |   |   |
| Tennessee     |   | X |   |   |
| Texas         |   | X |   | Individuals requesting copies of their own criminal history information are free to share as they wish.   |
| Utah          |   |   |   |   |

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| Vermont        |  |   | X |   |
| Virginia       |  | X |   |   |
| Virgin Islands |  |   |   |   |
| Washington     |  | X |   | Conviction data may be released and disseminated further without restriction. A record with non-conviction criminal history may be disseminated only to the same extent in which it would be authorized to be disseminated in the first instance. |
| W. Virginia    |  | X |   | There are no restrictions on the use of an individual's criminal record by them.  |
| Wisconsin      |  | X |   |   |
| Wyoming        |  |   |   |   |

Question 4: What steps has your state taken to prevent individuals from using the record review/challenge process for employment applications or for other prohibited, restricted or fraudulent purposes?

| STATE      | NO POLICIES IN PLACE | RESULTS STAMPED "UNOFFICIAL" | EMPLOYMENT INQUIRIES FOLLOW-UP | STATUTE FOR RESTRICTED/NON-DISSEMINATION | REVIEW ONLY- PROVIDE NO COPIES | OTHER | OTHER/NOTES   |
|------------|----------------------|------------------------------|--------------------------------|--|--------------------------------|-------|---|
| Alabama    |                      |                              |                                |  |                                |       |   |
| Alaska     |                      |                              |                                |  |                                |       |   |
| Arizona    |                      |                              |                                | X  |                                |       | All demographic information, including the subject's identifiers, are removed from the rap sheet. In addition, the state of Arizona uses "purpose code R" which activates a caveat that prints in the beginning of the rap sheet, as follows: "This record is being released to the subject of record, or his attorney, pursuant to Arizona Revised Statutes, Section 41-1750 to insure the individual's right to access and review criminal history information for purposes of accuracy and completeness only. This information may not be further disseminated by any medium, oral or written, to any other person or entity." |
| Arkansas   |                      |                              |                                |  |                                | X     | Purpose of request is discussed at time of request. If person states that request is for employment purposes, they are instead referred to the Arkansas State Police to obtain arrest records, with no action taken by the repository.  |
| California |                      |                              |                                |  |                                | X     | California law does not allow for a person or agency to make a request to another person to provide them with a copy of an individual's criminal history record or notification that a record does not exist and statute does not allow an individual that has received a copy  |

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|                      |   |  |  |   |  |   | of their record to give a copy of their record to an unauthorized person. A violation of either of these sections is a misdemeanor (CA Penal Code sections 11125 and 11142). In addition, the Department stamps on every response to a request for a copy of a criminal record, a reference that the criminal record or no record response cannot be used for licensing, employment or certification purposes as a result of recent case law decision.   |
| Colorado             |   |  |  |   |  | X | Per C.R.S. 24-72-201, the name based criminal history check may be used for the purpose of employment applications. If a report is obtained by an individual that his/her record has been used in a fraudulent manner, the CBI will assist the customer on an individual basis. A "record challenge" will be conducted to compare the individual's fingerprints to his/her fingerprint record to determine if the applicant is the same person as the CBI has in the AFIS. If so, the information is confirmed; if not, the individual will receive documentation to assist in the employment application process. |
| Connecticut          | X |  |  |   |  |   |  |
| Delaware             | X |  |  |   |  |   | If a person challenges a record that may have been obtained from some other source, the state will fingerprint them and give them a certified copy from their office.  |
| District of Columbia |   |  |  |   |  |   |  |
| Florida              | X |  |  |   |  |   |  |
| Georgia              |   |  |  | X |  |   | Restrictions as listed on certification letter. Other "restrictions" would be imposed by   |

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|          |   |  |  |   |   |   | employing/licensing agencies who require the record be sent directly to their attention from the state repository or local law enforcement agency conducting the record check. Notarized certificate states, "The results of this search represent a comprehensive record of all Georgia arrest and disposition data reported to the GCIC as of this date. Unless marked <i>Personal Request</i> , this certificate should be used and accepted only for the purpose for which it was obtained. If marked <i>Personal Request</i> , the certificate is valid for 30 days from the date issued." The four reasons listed include Personal Request, Employment, Immigration or Other (specify). |
| Hawaii   | X |  |  |   |   |   | No restrictions, although the printout is stamped with "For Access and Review Only."  |
| Idaho    | X |  |  |   |   |   |   |
| Illinois |   |  |  |   | X |   | Individual is not given the original response or a photocopy of it (see #3 above). Responses go to originating agency, who may keep or otherwise dispose of as they see fit. Illinois State Police cannot make an out of state agency adhere to Illinois' rules on Right of Access and Review.  |
| Indiana  |   |  |  |   |   |   |   |
| Iowa     | X |  |  |   |   |   |   |
| Kansas   |   |  |  |   |   | X | Statute prohibits employers from requiring individuals to obtain their own history. Employers must request the record themselves.   |
| Kentucky |   |  |  | X |   |   | Reviews are conducted only for the purposes of inspection by individual and cannot be redistributed to any prospective employers. These reports are   |

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|               |   |  |  |   |   |   | generated on standard paper, and are not certified. Employment record checks are performed for and provided to the employing agency only. The individual may receive a copy provided by that agency, but that copy is specifically for the purposes of that employer. If the individual were to apply with another agency, that agency would make its own request. Agency requests are provided on a secure paper, and have been certified by a unit supervisor. |
| Louisiana     |   |  |  |   | X |   | Record copies are not released to an individual.   |
| Maine         |   |  |  |   |   |   |  |
| Maryland      |   |  |  |   |   |   |  |
| Massachusetts |   |  |  |   |   | X | Request form notifies individual that he can't be required to produce the record. Request form must be notarized. State will generally not send to a third party.  |
| Michigan      | X |  |  |   |   |   | Nothing for reviews. Challenges must be accompanied by copy of the challenged record along with fingerprints.  |
| Minnesota     |   |  |  |   |   | X | There is no fee to review/challenge a criminal history record. If the individual requests a copy of the record, they are charged a fee of \$8.   |
| Mississippi   |   |  |  |   |   |   |  |
| Missouri      |   |  |  | X |   |   | None, other than what is stated in statute and on the cover sheet of a RAP sheet under reason for request - CHALLENGE is included. Misuse is a class A misdemeanor.  |
| Montana       |   |  |  |   |   | X | Form signed is titled "Request for Review of Individual Criminal History Record"   |
| Nebraska      | X |  |  |   |   |   | As an open record state, they can use the copy of the criminal history at their discretion   |

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| Nevada        |   |  |  | X |  |   | The individual is required to submit a letter stating that the request for their criminal history record is for their personal use only. Our cover letter states that the information being sent is regulated and may be used only for the requested purpose and dissemination to a second party is prohibited. |
| New Hampshire |   |  |  |   |  |   |   |
| New Jersey    | X |  |  |   |  |   |   |
| New Mexico    | X |  |  |   |  |   | With signed, notarized release form the information is released to the individual or their authorized agent. No restrictions regarding further dissemination are in place.  |
| New York      |   |  |  | X |  |   | There are processes in place by contributing agencies to prevent a record review rap sheet to be used in employment/licensing situations as described in the response to question three. Otherwise, a record review rap sheet becomes the personal property of the individual.                                  |
| N. Carolina   | X |  |  |   |  |   | It is up to the individual how they use or disseminate their criminal history record.   |
| N. Dakota     | X |  |  |   |  |   |   |
| Ohio          |   |  |  |   |  | X | Each final report that is issued has a unique authentication number which identifies that specific background check.  |
| Oklahoma      | X |  |  |   |  |   |   |
| Oregon        |   |  |  |   |  |   |   |
| Pennsylvania  |   |  |  |   |  | X | Criminal history record responses for employment purposes or any other form or request for criminal history that is NOT an access and review are not eligible for the challenge process. For a criminal history record to be challenged, it must have been requested by the                                     |

|                |   |   |   |   |  |   |  |
|----------------|---|---|---|---|--|---|--|
|                |   |   |   |   |  |   | individual or his legal representative with an affidavit. Challenge forms are only issued with access and review responses, and therefore are unavailable to anyone other than the requestor.  |
| Puerto Rico    | X |   |   |   |  |   |  |
| Rhode Island   |   |   |   |   |  | X | Persons must present positive ID. Challenged charges are verified by fingerprints. Copies of the criminal history are stamped with the official stamp of the Rhode Island Attorney General's office.   |
| S. Carolina    |   |   | X |   |  |   | To prevent fraudulent CHANGES to records, we have actually correct an error or see where someone has used their information during an arrest.  |
| S. Dakota      | X |   |   |   |  |   | Has not been a problem   |
| Tennessee      |   |   |   |   |  |   |  |
| Texas          |   |   |   |   |  | X | Each procedure requested must be accompanied by a set of fingerprints along with the individual's signature. We are currently beginning to implement capturing a photo of the individual along with the fingerprints, which will be stored with the records.   |
| Utah           |   |   |   |   |  |   |  |
| Vermont        |   | X |   |   |  |   | Subject also provided with written warning not to use the record for any purpose other than review.  |
| Virginia       |   |   |   | X |  |   | When a criminal history record is disseminated to an agency or requestor, the Virginia Department of State Police relinquishes responsibility for usage of the information provided. However, the record contains a disclaimer that states "Unauthorized dissemination will subject the disseminator to criminal and civil penalties." |
| Virgin Islands |   |   |   |   |  |   |  |

|             |   |  |  |   |  |   |   |
|-------------|---|--|--|---|--|---|---|
| Washington  |   |  |  | X |  |   | Retention or reproduction of nonconviction data is authorized only when it is the subject of challenge. The subject of record is advised of the statute governing secondary dissemination but there is no process or audit in place to prevent an individual from using the copy of his/her record obtained for challenge purposes for other purposes.  |
| W. Virginia |   |  |  |   |  | X | The process for a review/challenge is used only by individuals that are requesting information be corrected, appended or changed on their criminal record. The process described above is used for general review and obtaining of an individual's own criminal record and fee for both is the same. The review/challenge process is requested on its own form and the fee is also \$20 – so there is no benefit to using that process to obtain a copy of a criminal record. |
| Wisconsin   | X |  |  |   |  |   | Information is public record and the procedure to obtain record for review is no different than for any other purpose.  |
| Wyoming     |   |  |  |   |  |   |   |

Question 5a: Does your repository charge a fee to provide records to record subjects for review?

Question 5B: Are record challenges by inmates conducted without charge?

| STATE                | NAME SEARCH |                   | FINGERPRINT SEARCH |                   | INMATE REQUESTS |                   | OTHER / NOTES   |
|----------------------|-------------|-------------------|--------------------|-------------------|-----------------|-------------------|---|
|                      | NO FEE      | FEE               | NO FEE             | FEE               | NO FEE          | FEE               |   |
| Alabama              |             |                   |                    |                   |                 |                   |   |
| Alaska               |             |                   |                    |                   |                 |                   |   |
| Arizona              |             |                   | X                  |                   | X               |                   |   |
| Arkansas             | X           |                   | X                  |                   | X               |                   |   |
| California           |             |                   |                    | \$25.00           | X               |                   | Unless the individual establishes indigence (proof of receiving SSI, unemployment, disability, Medi-Cal, Food Stamps, AFDC or General Assistance) at which time the fee is waived.<br><br>No charge for a record review challenge by inmates. |
| Colorado             |             | \$6.85 or \$13.00 |                    | \$16.50           | X               |                   | \$22.00 additional charged if fingerprint check advances to NCIC.   |
| Connecticut          |             |                   | X (view only)      | \$25.00           | X (view only)   | \$25.00           | No charge for viewing only. Fee for print out.  |
| Delaware             |             |                   |                    | 30.00             | X               |                   | All record searches in Delaware are fingerprint based. We do not typically receive challenges from inmates. If we did there would probably be no fee if they are still incarcerated.  |
| District of Columbia |             |                   |                    |                   |                 |                   |   |
| Florida              |             |                   | X                  |                   | X               |                   |   |
| Georgia              |             | \$3.00 or \$15.00 |                    | \$3.00 or \$15.00 |                 | \$3.00 or \$15.00 | \$3.00 is the maximum allowed per statute for record inspection/challenge. A \$15.00 fee is imposed to obtain a copy for all other purposes. Inmates are not charged only if indigent status is indicated.                                    |
| Hawaii               |             |                   |                    | \$25.00           |                 | \$25.00           |   |
| Idaho                |             | 10.00             |                    | 10.00             | X               |                   |   |
| Illinois             | X           |                   | X                  |                   | X               |                   | Bureau of Identification does not charge inmates, however the Department of Corrections does charge them to be fingerprinted.   |
| Indiana              |             |                   |                    |                   |                 |                   |   |
| Iowa                 | X           |                   |                    |                   | X               |                   |   |
| Kansas               |             | 30.00             |                    | 30.00             |                 | 30.00             |   |

|               |     |         |   |                    |     |                    |  |
|---------------|-----|---------|---|--------------------|-----|--------------------|--|
| Kentucky      | n/a | n/a     |   | 10.00              |     | 10.00              | All record <i>challenges</i> are conducted at no charge after the initial review fee has been applied.   |
| Louisiana     |     |         |   | 10.00              |     |                    | Unknown if inmates are charged a fee.  |
| Maine         |     |         |   |                    |     |                    |  |
| Maryland      |     |         |   |                    |     |                    |  |
| Massachusetts |     |         |   | 25.00              |     | 25.00              | Fee is waived if inmate is indigent.   |
| Michigan      |     | 10.00   |   | 30.00              | n/a | n/a                | Michigan does not process for inmates.   |
| Minnesota     |     |         | X |                    | X   |                    | \$8.00 fee only if a copy is requested, either by citizen or inmate.   |
| Mississippi   |     |         |   |                    |     |                    |  |
| Missouri      |     | 5.00    |   | 14.00              |     |                    | Inmates at no fee if indigence can be established.   |
| Montana       |     |         |   | 10.00              |     | 10.00              |  |
| Nebraska      |     | 10.00   |   |                    | X   |                    |  |
| Nevada        |     |         |   | \$21.00 or \$24.00 |     | \$21.00 or \$24.00 | State records are \$21; FBI is \$24.00   |
| New Hampshire |     |         |   |                    |     |                    |  |
| New Jersey    |     |         |   | 30.00              |     | 30.00              | Fees are assessed for all Review and Challenge requests  |
| New Mexico    |     | 7.00    |   |                    |     | 7.00               |  |
| New York      |     |         |   | \$50.00            | X   |                    | There is no fee for a personal record review for incarcerated persons. There is no charge to anyone for challenges to the accuracy or completeness of records. |
| N. Carolina   |     |         |   | \$14.00            | X   |                    |  |
| N. Dakota     | X   |         | X |                    | X   |                    | No fee is charge for review only. If a copy is requested, a fee of \$15 applies for individuals and inmates.   |
| Ohio          |     |         |   | \$15.00            | X   |                    |  |
| Oklahoma      |     | \$15.00 |   | \$19.00            | X   |                    | First review is at no charge. Fees are charged for any subsequent reviews.   |
| Oregon        |     |         |   |                    |     |                    |  |
| Pennsylvania  |     | 10.00   |   |                    |     | 10.00              |  |
| Puerto Rico   |     | 1.50    |   | 1.50               |     | 1.50               | Same procedure for all individuals   |
| Rhode Island  |     | 5.00    |   | 5.00               | X   |                    |  |
| S. Carolina   | X   |         | X |                    | X   |                    |  |
| S. Dakota     |     |         |   | 15.00              | n/a | n/a                |  |
| Tennessee     |     |         |   |                    |     |                    |  |
| Texas         |     |         |   | 15.00              |     | 15.00              |  |
| Utah          |     |         |   |                    |     |                    |  |
| Vermont       | X   |         | X |                    | X   |                    |  |
| Virginia      |     | 15.00   |   | 15.00              |     | 15.00              |  |

|                |   |                            |   |                |   |                               |
|----------------|---|----------------------------|---|----------------|---|-------------------------------|
| Virgin Islands |   |                            |   |                |   |                               |
| Washington     | X |                            | X |                | X |                               |
| W. Virginia    |   |                            |   | 20.00          |   | 20.00                         |
| Wisconsin      |   | \$13 Internet<br>\$18 Mail |   | \$15           |   | Same as for<br>any individual |
| Wyoming        |   |                            |   |                |   |                               |
|                |   |                            |   |                |   |                               |
|                |   |                            |   |                |   |                               |
| <b>Average</b> |   | <b>\$11.02</b>             |   | <b>\$18.55</b> |   | <b>\$16.75</b>                |

Question 6: How many record review requests did the state repository receive during the first six months of 2005?

| STATE                | TOTAL   | FROM INMATES | FROM OTHERS | OTHER / NOTES  |
|----------------------|---------|--------------|-------------|--|
| Alabama              |         |              |             |  |
| Alaska               |         |              |             |  |
| Arizona              | 860     | -            | 860         | Inmate statistics are included in total. Separate records not kept.  |
| Arkansas             | 1,612   | 155          | 1457        |  |
| California           | 5,200   | -            | 5,200       | Number of submissions by inmates is not individually identified, but are included in the total stated.   |
| Colorado             | 224,589 | -            | 224,589     | No distinction is made between individual and inmate requests.   |
| Connecticut          | -       | -            | -           | Requests rarely received. No statistics kept.  |
| Delaware             | 16,462  |              | 16,462      | Delaware does not track record review requests. This number represents the number of backgrounds checks performed in the specified period  |
| District of Columbia |         |              |             |  |
| Florida              | 500     | 125          | 375         | Numbers are estimated. Florida does not distinguish between individual and inmate requests.  |
| Georgia              | 1,117   | -            | 1,117       | Separate records of inmate requests are not kept. 231 requests received from individuals specifically for record inspection. An additional 886 requests received from individuals to update/correct records. |
| Hawaii               | 12      | -            | 12          | Records of inmate requests are not kept separate from other individuals' requests.   |
| Idaho                | -       | -            | -           | No statistics kept.  |
| Illinois             | 17      | 13           | 4           |  |
| Indiana              |         |              |             |  |
| Iowa                 | -       | -            | -           | Iowa does not track this.  |
| Kansas               | 34      |              | 34          | No distinction is made between individual and inmate requests.   |
| Kentucky             | 15      |              | 15          | No distinction is made between individual and inmate requests.   |
| Louisiana            | 83      |              | 83          | No distinction is made between individual and inmate requests.   |
| Maine                |         |              |             |  |
| Maryland             |         |              |             |  |
| Massachusetts        | 11,880  |              | 11,880      | 11,880 from individuals, including inmates, seeking their own records. Total requests received = 606,279.  |
| Michigan             | 332     | 0            | 332         | 332 fingerprint-based personal record reviews.   |
| Minnesota            | 4,200   |              | 4,200       | Minnesota does not keep statistics, but estimates they complete approximately 700 checks per month which are requested by the subject.   |
| Mississippi          |         |              |             |  |
| Missouri             | 20      |              | 20          | No distinction is made between individual and inmate requests.   |
| Montana              | -       | -            | -           | Such requests are not counted.   |
| Nebraska             | 300     | 25           | 275         |  |
| Nevada               | 502     |              | 502         | 485 individuals, 17 challenges. # of inmate requests not tracked.  |
| New                  |         |              |             |  |

|                |         |       |         |  |
|----------------|---------|-------|---------|--|
| Hampshire      |         |       |         |  |
| New Jersey     | 2,944   |       | 2,944   | The SBI does not differentiate between civilian and inmate requests.                 |
| New Mexico     | 40      |       | 40      | No distinction is made between individual and inmate requests.                       |
| New York       | 12,065  | 8,059 | 4,006   |  |
| N. Carolina    | 894     |       | 894     | No distinction is made between individual and inmate requests.                       |
| N. Dakota      | 35      | 0     | 35      |  |
| Ohio           | 243,903 | 16    | 243,887 |  |
| Oklahoma       | 505     |       | 505     | No distinction is made between individual and inmate requests.                       |
| Oregon         |         |       |         |  |
| Pennsylvania   | 553,700 |       | 553,700 | Number includes all non-criminal justice fee and fee exempt requests.                |
| Puerto Rico    | 0       | 0     | 0       |  |
| Rhode Island   | 25      |       | 25      | Count is approximate. No distinction is made between individual and inmate requests. |
| S. Carolina    | 86      | 55    | 31      |  |
| S. Dakota      | -       | -     | -       | Not tracked  |
| Tennessee      |         |       |         |  |
| Texas          | 21,299  | 2,130 | 19,169  | 10% of requests are from inmates.  |
| Utah           |         |       |         |  |
| Vermont        | 16      | 0     | 16      |  |
| Virginia       | 152,868 |       | 152,868 | No distinction is made between individual and inmate requests.                       |
| Virgin Islands |         |       |         |  |
| Washington     | 51      | -     | 51      | No distinction is made between individual and inmate requests.                       |
| W. Virginia    | 24,948  | 10    | 24,938  | The 10 from inmates were to challenge their records.                                 |
| Wisconsin      | -       | -     | -       | No separate procedure exists for review requests                                     |
| Wyoming        |         |       |         |  |