

G.S. 150B-21.3A Report for 14B NCAC 18, DIVISION OF CRIMINAL INFORMATION

Agency - Department of Public Safety

Comment Period - June 1, 2016-August 1, 2016

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 18A – ORGANIZATIONAL FUNCTIONS AND DEFINITIONS	SECTION .0100 – GENERAL PROVISIONS	14B NCAC 18A .0101	SCOPE	Transferred and Recodified from 12 NCAC 04H .0101 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		14B NCAC 18A .0102	DEFINITIONS	Transferred and Recodified from 12 NCAC 04H .0102 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		14B NCAC 18A .0103	FUNCTION OF DCIN	Transferred and Recodified from 12 NCAC 04H .0103 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 – REQUIREMENTS FOR ACCESS	14B NCAC 18A .0201	ELIGIBILITY FOR ACCESS TO DCIN	Transferred and Recodified from 12 NCAC 04H .0201 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.3 & NCIC Op. Manual	No	Necessary without substantive public interest
		14B NCAC 18A .0202	MANAGEMENT CONTROL REQUIREMENTS	Transferred and Recodified from 12 NCAC 04H .0202 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(3ii) & FBI CJIS SP 3.2.2	No	Necessary without substantive public interest
		14B NCAC 18A .0203	NON - TERMINAL ACCESS	Transferred and Recodified from 12 NCAC 04H .0203 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)(3) & FBI CJIS SP 5.1.1	No	Necessary without substantive public interest
	SECTION .0300 - AGREEMENTS	14B NCAC 18A .0301	USER AGREEMENT	Transferred and Recodified from 12 NCAC 04H .0301 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)(3) & FBI CJIS SP 5.1.1	No	Necessary without substantive public interest
		14B NCAC 18A .0302	SERVICING AGREEMENT	Transferred and Recodified from 12 NCAC 04H .0302 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)(3) & FBI CJIS SP 5.1.1	No	Necessary without substantive public interest
		14B NCAC 18A .0303	CONTROL AGREEMENTS	Transferred and Recodified from 12 NCAC 04H .0303 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(3ii) & FBI CJIS SP 3.2.2	No	Necessary without substantive public interest
		14B NCAC 18A .0304	DISCLOSURE AGREEMENT	Transferred and Recodified from 12 NCAC 04H .0304 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)(4)	No	Necessary without substantive public interest
	SECTION .0400 – STANDARDS AND CERTIFICATION AS A DCIN USER	14B NCAC 18A .0401	DCIN USERS	Transferred and Recodified from 12 NCAC 04H .0401 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(i) & FBI CJIS SP 5.12.1.1	No	Necessary without substantive public interest

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		14B NCAC 18A .0402	CERTIFICATION AND RE-CERTIFICATION OF DCIN USERS	Transferred and Recodified from 12 NCAC 04H .0402 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(i) & FBI CJIS SP 3.2.2	No	Necessary without substantive public interest
		14B NCAC 18A .0403	ENROLLMENT	Transferred and Recodified from 12 NCAC 04H .0403 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 18B – SECURITY AND PRIVACY	SECTION .0100 – SECURITY AT DCIN DEVICE SITES	14B NCAC 18B .0101	SECURITY OF DCIN devices	Transferred and Recodified from 12 NCAC 04I .0101 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(f) & FBI CJIS SP 5.9	No	Necessary without substantive public interest
		14B NCAC 18B .0102	OFFICIAL USE OF DCIN	Transferred and Recodified from 12 NCAC 04I .0102 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21	No	Necessary without substantive public interest
		14B NCAC 18B .0103	PERSONNEL SECURITY	Transferred and Recodified from 14B NCAC 04I .0103 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21	No	Necessary without substantive public interest
		14B NCAC 18B .0104	SECURITY AWARENESS TRAINING	Transferred and Recodified from 12 NCAC 04I .0104 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21	No	Necessary without substantive public interest
	SECTION .0200 – RESTRICTED AND RESTRICTED FILES	14B NCAC 18B .0201	DOCUMENTATION AND ACCURACY	Transferred and Recodified from 12 NCAC 04I .0201 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		14B NCAC 18B .0202	TIMELINESS	Transferred and Recodified from 12 NCAC 04I .0202 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		14B NCAC 18B .0203	VALIDATIONS	Transferred and Recodified from 12 NCAC 04I .0203 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		14B NCAC 18B .0204	HIT CONFIRMATION	Transferred and Recodified from 12 NCAC 04I .0204 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 – SUBMISSION OF DATA FOR CRIMINAL HISTORY RECORDS	14B NCAC 18B .0301	ARREST FINGERPRINT CARD	Transferred and Recodified from 12 NCAC 04I .0301 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(a) & 28 CFR 20.32	No	Necessary without substantive public interest
		14B NCAC 18B .0302	FINAL DISPOSITION INFORMATION	Transferred and Recodified from 12 NCAC 04I .0302 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(a)	No	Necessary without substantive public interest

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		14B NCAC 18B .0303	INCARCERATION INFORMATION	Transferred and Recodified from 12 NCAC 04I .0303 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(a)	No	Necessary without substantive public interest
	SECTION .0400 – USE AND ACCESS REQUIREMENTS FOR CRIMINAL HISTORY RECORD INFORMATION, NICS INFORMATION, AND N-DEX INFORMATION	14B NCAC 18B .0401	DISSEMINATION AND LOGGING OF CHRI AND NICS RECORDS	Transferred and Recodified from 12 NCAC 04I .0401 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b) & FBI CJIS SP 4.1.1	No	Necessary without substantive public interest
		14B NCAC 18B .0402	ACCESSING OF CCH RECORDS	Transferred and Recodified from 12 NCAC 04I .0402 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	5 USC § 522a	No	Necessary without substantive public interest
		14B NCAC 18B .0403	USE OF CHRI FOR CRIMINAL JUSTICE EMPLOYMENT	Transferred and Recodified from 12 NCAC 04I .0403 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21 (b)(1) & 28 CFR 20.32	No	Necessary without substantive public interest
		14B NCAC 18B .0404	RIGHT TO REVIEW	Transferred and Recodified from 12 NCAC 04I .0404 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(g)	No	Necessary without substantive public interest
		14B NCAC 18B .0405	CCH USE IN LICENSING AND NON-CRIMINAL JUSTICE EMPLOYMENT PURPOSES	Transferred and Recodified from 12 NCAC 04I .0405 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21 (b)(2) & 28 CFR 50.12	No	Necessary without substantive public interest
		14B NCAC 18B .0406	RESTRICTIVE USE OF CCH FOR EMPLOYMENT PURPOSES	Transferred and Recodified from 12 NCAC 04I .0406 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(c) & 28 CFR 50.12	No	Necessary without substantive public interest
		14B NCAC 18B .0407	RESEARCH USE AND ACCESS OF CCH RECORDS	Transferred and Recodified from 12 NCAC 04I .0407 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)(4)	No	Necessary without substantive public interest
		14B NCAC 18B .0408	LIMITATION REQUIREMENTS	Transferred and Recodified from 12 NCAC 04I .0408 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(c)	No	Necessary without substantive public interest
		14B NCAC 18B .0409	ACCESS TO CHRI BY ATTORNEYS	Transferred and Recodified from 12 NCAC 04I .0409 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)	No	Necessary without substantive public interest
		14B NCAC 18B .0410	ACCESS TO CHRI IN CIVIL PROCEEDINGS	Transferred and Recodified from 12 NCAC 04I .0410 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)	No	Necessary without substantive public interest
	SECTION .0500 – REMOVAL OF CRIMINAL HISTORY RECORD INFORMATION	14B NCAC 18B .0501	EXPUNGEMENTS	Transferred and Recodified from 12 NCAC 04I .0501 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(a)(2) & 28 CFR 20.21(f)(3)(c)	No	Necessary without substantive public interest
	SECTION .0600 – STATEWIDE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM	14B NCAC 18B .0601	STATEWIDE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM	Transferred and Recodified from 12 NCAC 04I .0601 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.3 & 28 CFR 20.21(b)(3)	No	Necessary without substantive public interest

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		14B NCAC 18B .0602	AVAILABLE DATA	Transferred and Recodified from 12 NCAC 04I .0602 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(b)(1)	No	Necessary without substantive public interest
		14B NCAC 18B .0603	FINGERPRINTING OF CONVICTED SEX OFFENDERS	Transferred and Recodified from 12 NCAC 04I .0603 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 – DIVISION OF MOTOR VEHICLE INFORMATION	14B NCAC 18B .0701	DISSEMINATION OF DIVISION OF MOTOR VEHICLES INFORMATION	Transferred and Recodified from 12 NCAC 04I .0701 Eff. November 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0800 - AUDITS	14B NCAC 18B .0801	AUDITS	Transferred and Recodified from 12 NCAC 04I .0801 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(e) & FBI CJIS SP 5.11.2	No	Necessary without substantive public interest
SUBCHAPTER 18C - PENALTIES AND ADMINISTRATIVE HEARINGS	SECTION .0100 - DEFINITIONS AND PENALTY PROVISIONS	14B NCAC 18C .0101	DEFINITIONS	Transferred and Recodified from 12 NCAC 04J .0101 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(ii) & FBI CJIS SP3.2.2	No	Necessary without substantive public interest
		14B NCAC 18C .0102	SANCTIONS FOR VIOLATIONS BY INDIVIDUALS	Transferred and Recodified from 12 NCAC 04J .0102 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(ii) & FBI CJIS SP3.2.2	No	Necessary without substantive public interest
		14B NCAC 18C .0103	SANCTIONS FOR VIOLATIONS BY AGENCIES	Transferred and Recodified from 12 NCAC 04J .0103 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(ii) & FBI CJIS SP3.2.2	No	Necessary without substantive public interest
	SECTION .0200 - APPEALS	14B NCAC 18C .0201	NOTICE OF VIOLATION	Transferred and Recodified from 12 NCAC 04J .0201 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(ii) & FBI CJIS SP3.2.2	No	Necessary without substantive public interest
	SECTION .0300 - INFORMAL PROCEDURES	14B NCAC 18C .0301	INFORMAL PROCEDURE	Transferred and Recodified from 12 NCAC 04J .0301 Eff. November 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	28 CFR 20.21(f)(4)(ii) & FBI CJIS SP3.2.2	No	Necessary without substantive public interest