

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 025/381 Department or Agency Alabama Criminal Justice Info. Center (legacy agency)/Alabama Law Enforcement Agency Agency
Rule No. 265-X-2 Appendix A
Rule Title: Application to Review or Challenge Alabama Criminal History Record Information
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? -----No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stan Stahler

Date 2-18-16

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama Criminal Justice Information
Center (legacy agency)/
Alabama Law Enforcement Agency

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Criminal Justice Information
Center (legacy agency)/
Alabama Law Enforcement Agency

RULE NO. & TITLE:

265-X-2 Appendix A
Application to Review or Challenge
Alabama Criminal History Record
Information

INTENDED ACTION:

Amend form

SUBSTANCE OF PROPOSED ACTION:

This proposed action will add witness and/or notary signature requirements and reflect the change of name from the Alabama Criminal Justice Information Center (ACJIC) to Alabama Justice Information Commission (AJIC).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written or oral comments may be directed to Michael Robinson, Legal Division, P.O. Box 304115, Montgomery, Alabama 36130-4115, (334) 353-8216.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

April 4, 2016

CONTACT PERSON AT AGENCY:

Michael W. Robinson
Assistant Attorney General
P.O. Box 304115
Montgomery, Alabama 36130-4115



Stan Stabler

CRIMINAL JUSTICE INFORMATION CENTER

CHAPTER 265-X-2

APPENDICES

- Appendix A Application to Review or Challenge AL Criminal History Record Information
- Appendix B Instructions for completing Application to Review or Challenge AL Criminal History Record Information
- Appendix C Instructions for Law Enforcement Official taking applicant fingerprints and sample of FBI "Applicant" Fingerprint Card FD-258 (Rev 12-10-07)
- Appendix D Waiver to Release Criminal History Information
- Appendix E Alabama Criminal Justice Information Center (ACJIC) Online Criminal History Sales Subscriber Agreement
- Appendix F Alabama Criminal Justice Information Center (ACJIC) Memorandum of Agreement for Third Party Users of the Criminal History Sales (CHS) System
- Appendix G Alabama Criminal Justice Information Center (ACJIC) Online Criminal History Sales Subscriber Agreement

~~ALABAMA CRIMINAL JUSTICE INFORMATION CENTER (ACJIC)~~
ALABAMA LAW ENFORCEMENT AGENCY (ALEA)
Application to Review or Challenge
AL Criminal History Record Information

PART I: Applicant Information

Full Name (First, Middle, Last, Suffix): _____

Applicant Current Address: _____

City _____ State _____ Zip Code _____

Alias or Nickname(s): _____

Social Security Number: _____

Date of Birth: (Month/Date/Year) _____ / _____ / _____

Sex/Gender: Male Female

Race: White Black Asian Indian

Other (please specify)

Current Driver's License Number: _____ Issuing State: _____

Current e-mail address : _____

Home Phone #: (_____) _____ Cell Phone #: (_____) _____

Work Phone #: (_____) _____ Extension _____

1. My request is to (check all that apply):

Review a copy of my CHRI maintained by ACJIC;

Challenge specific items in my CHRI maintained by ACJIC

(please see requirements in Part II of this application).

2. Included with my Application are the following items:
- a. The required copy of my valid photo identification (see application instructions for requirements and accepted forms of identification).
 - b. The required \$25.00 administrative fee (money order or Cashier's checks, made payable to the "State of Alabama").
 - c. A classifiable copy of my own fingerprints, taken by law enforcement as required.

I, the above referenced individual, hereby request to Review or Challenge my Alabama criminal history record information (CHRI) maintained by the ~~Alabama Criminal Justice Information Center~~ Alabama Law Enforcement Agency, Alabama's official criminal history repository. By signing below and submitting this application, I hereby verify that the information listed in my application and in the attached documentation is correct. I also acknowledge that I understand that, in accordance with Section 41-9-601 of the Code of Alabama 1975, that any person who willfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who willfully communicates or seeks to communicate criminal offender record information to any agency or person without authorization, may be guilty of a felony, and shall be fined not less than \$5,000 nor more than \$10,000 or imprisoned in the state penitentiary for not more than five years or both. §41-9-601, Code of Ala. (1975).

Applicant Signature _____ Date _____

Supp. _____

Name of Witness _____ Name of Witness _____

Address of Witness _____ Address of Witness _____

City, State and Zip _____ City, State and Zip _____

or instead of witnesses,

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Signature _____

My Commission Expires _____, _____.

Supp. _____

PART II: Request to Challenge CHRI maintained by ACJIC ALEA

An individual may Challenge or Appeal any portion of his or her own Criminal History Record Information (CHRI) maintained by the Alabama Criminal Justice Information Center that he or she believes to be **incomplete** or **inaccurate**. This may be requested by completing the ACJIC ALEA Application to Review or Challenge AL Criminal History Record Information and returning it along with the required documentation to ACJIC ALEA within one calendar year of the date of the ACJIC ALEA response to the individual's request to review CHRI.

Please attach in writing the following information regarding EACH arrest and/or disposition you wish to challenge:

1. The charge and DATE of each specific arrest or disposition being challenged;
2. The Name of the ARRESTING AGENCY OR COURT for each arrest or disposition being challenged;
3. A listing of each specific arrest or disposition being challenged;
4. The details related to why each specific arrest is incorrect or incomplete;
5. What the applicant believes to be the correct information for each arrest or disposition being challenged;
6. Where the applicant obtained what he/she believes to be the correct supporting information (if applicable); and
7. Official documentation from the arresting agency or court (if applicable) to support each arrest or disposition being challenged.

~~Please mail your completed application, along with the required documentation to: Alabama Criminal Justice Information Center -- P.O. Box 300660 -- Montgomery, Alabama 36130-0660 ATTN: Director~~

Please mail your completed application, along with the required documentation to the Director of the Information Bureau of ALEA at the Director's current mailing address in Montgomery, Alabama.

The ACJIC ALEA Application to Review or Challenge AL Criminal History Record Information will be reviewed by an ACJIC ALEA official, along with the documentation provided. The applicant will be notified as promptly as possible of the results of the challenge and you may appeal a decision that is unsatisfactory to you according to the procedures established by the ACJIC Alabama Justice information Commission.

Author: Lynn M. Childs, G. Ward Beeson, III

Statutory Authority: Code of Ala. 1975, Subsection 41-9-594.

History: Amended: Filed July 25, 2006; effective August 29, 2006.

Amended: Filed July 29, 2008; effective September 2, 2008. **Amended:** Filed February 21, 2012; effective June 11, 2012.