

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 607
Committee Substitute Favorable 4/28/21
PROPOSED COMMITTEE SUBSTITUTE H607-PCS30393-BG-12

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 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



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1 has been filed with either Commission, the State Bureau of Investigation shall remove the
2 individual's fingerprints from SAFIS.

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

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

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