

14B NCAC 18A .0102 is proposed for readoption with substantive changes as follows:

14B NCAC 18A .0102 DEFINITIONS

As used in this Chapter:

- (1) "ACIIS" means Canada's Automated Criminal Intelligence and Information System.
- (2) "Administration of criminal justice" means the:
 - (a) detection of accused persons or criminal offenders;
 - (b) apprehension of accused persons or criminal offenders;
 - (c) detention of accused persons or criminal offenders;
 - (d) pretrial release of accused persons or criminal offenders;
 - (e) post-trial release of accused persons or criminal offenders;
 - (f) prosecution of accused persons or criminal offenders;
 - (g) adjudication of accused persons or criminal offenders;
 - (h) correctional supervision of accused persons or criminal offenders;
 - (i) rehabilitation of accused persons or criminal offenders;
 - (j) collection of criminal history record information;
 - (k) storage of criminal history record information;
 - (l) dissemination of criminal history record information;
 - (m) screening of persons for the purpose of criminal justice employment; or
 - (n) administration of crime prevention programs to the extent access to criminal history record information is limited to law enforcement agencies for law enforcement programs (e.g. record checks of individuals who participate in Neighborhood Watch or safe house programs) and the result of such checks will not be disseminated outside the law enforcement agency.
- (3) "Advanced authentication" means an alternative method of verifying the identity of a computer system user. Examples include software tokens, hardware tokens, and biometric systems. These alternative methods are used in conjunction with traditional methods of verifying identity such as ~~user names~~usernames and passwords.
- (4) "AOC" means the North Carolina Administrative Office of the Courts.
- (5) "Authorized recipient" means any person or organization who is authorized to receive state and national criminal justice information by virtue of being:
 - (a) a member of a law enforcement/criminal justice agency approved pursuant to Rule .0201 of this Subchapter; or
 - (b) a non-criminal justice agency authorized pursuant to local ordinance or a state or federal law.
- (6) "CCH" means computerized criminal history record information. CCH can be obtained through ~~DCIN or through N-DEX.~~DCIN.

- (7) "Certification" means documentation provided by CIIS showing that a person has been trained in the abilities of DCIN ~~devices, devices~~ and has knowledge for accessing those programs that are developed and administered by CIIS for local law enforcement and criminal justice agencies.
- (8) "CHRI" means criminal history record information. CHRI is information collected by and maintained in the files of criminal justice agencies concerning individuals, consisting of identifiable descriptions, notations of arrest, detentions, indictments or other formal criminal charges. This includes any disposition, sentencing, correctional supervision, and release information.
- (9) "CIIS" means Criminal Information and Identification Section. CIIS is a section of ~~DCI~~the SBI that manages all CJIS programs within North Carolina, including DCIN.
- (10) "CJI" means criminal justice information. CJI is all of the FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce laws, including biometric information, identity history person, organization, property, and case or incident history data. In addition, CJI refers to FBI CJIS provided data necessary for civil agencies to perform their mission including data used to make hiring decisions.
- (11) "CJIS" means Criminal Justice Information Services. CJIS is the FBI division responsible for the collection, warehousing, and dissemination of relevant criminal justice information to the FBI and law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.
- (12) "CJIS Security Policy" means a document published by the FBI CJIS Information Security Officer that provides criminal justice and non-criminal justice agencies with a set of minimum security requirements for the access to FBI CJIS systems to protect and safeguard criminal justice information whether in transit or at rest.
- (13) "Class B misdemeanor" ~~includes~~means either of the following:
- (a) any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. ~~Specifically excluded~~Excluded from this are motor vehicle or traffic offenses designated as being misdemeanors under the laws of jurisdictions other than the State of North Carolina with the following exceptions:
 - (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two ~~years, and~~years; and
 - (ii) driving while license is permanently revoked or permanently suspended.
 - (b) "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable

for the designated offense included imprisonment for a term of more than six months but not more than two years.

(14) "Convicted" or "conviction" means, for purposes of DCIN user certification, the entry of:

(a) a plea of guilty;

(b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or

(c) a plea of no contest, nolo contendere, or the equivalent.

(15) "Criminal justice agency" means the courts, a government agency, or any subunit thereof which performs the administration of criminal justice pursuant to statute or executive order~~order~~, and which allocates more than 50 percent of its annual budget to the administration of criminal justice. State and federal Inspector General Offices are included in this definition.

(16) "Criminal justice board" means a board composed of heads of law enforcement or criminal justice agencies that have management control over a communications center.

(17) "CSA" means CJIS System Agency. The CSA is a state, federal, international, tribal, or territorial criminal justice agency on the CJIS network providing statewide (or equivalent) service to its criminal justice agency users with respect to the CJIS data from various systems managed by the FBI. In North Carolina, the CSA is the SBI.

(18) "CSO" means CJIS System Officer. The CSO an individual located within the CSA responsible for the administration of the CJIS network on behalf of the CSA. In North Carolina, the CSO is employed by the SBI.

~~(19) "DCI" means the Division of Criminal Information. DCI is the agency established by the Attorney General of North Carolina in accordance with Article 3 of Chapter 114 of the North Carolina General Statutes. The North Carolina State Bureau of Investigation's Criminal Information and Identification Section is a part of DCI.~~

~~(20)~~(19) "DCIN" means the Division of Criminal Information Network. DCIN is the computer network used to collect, maintain, correlate, and disseminate information collected by CIIS under Article 3 of Chapter 114 of the North Carolina General Statutes. DCIN also provides access to information collected by other federal, state, and local entities necessary for the administration of criminal justice.

~~(21)~~(20) "DCIN user" means a person who has been certified through the DCIN certification process.

~~(22)~~(21) "Device" means an electronic instrument used by a DCIN user to accomplish message switching, DMV inquiries, functional messages, or DCIN, NCIC, Nlets on-line file transactions.

~~(23)~~(22) "Direct access" means having the authority to:

(a) access systems managed by the FBI CJIS Division, whether by manual or automated means, not requiring the assistance of, or intervention by, any other party; or

(b) query or update national databases maintained by the FBI CJIS Division including national queries and updates automatically or manually generated by the CSA.

~~(24)~~(23) "Disposition" means information on any action that results in termination or indeterminate suspension of the prosecution of a criminal charge.

~~(25)~~(24) "Dissemination" means any transfer of information, whether orally, in writing, or by electronic means.

~~(26)~~(25) "DMV" means the North Carolina Division of Motor Vehicles.

~~(27)~~(26) "DMV information" includes vehicle description and registration information, and information maintained on individuals to include name, address, date of birth, license number, license issuance and expiration, control number issuance, and moving vehicle violation or convictions.

~~(28)~~(27) "~~DAC~~"~~DOC~~" means North Carolina Department of Adult Correction.

~~(29)~~(28) "End user interface" means software that is utilized by a certified user to connect to DCIN and perform message or file transactions.

~~(30)~~(29) "Expunge" means to remove criminal history record information from the DCIN and FBI computerized criminal history and identification files pursuant to state statute.

~~(31)~~(30) "FBI" means the Federal Bureau of Investigation.

~~(32)~~(31) "FFL" means federal firearm licensee. ~~A~~An FFL is any individual, corporation, company, association, firm, partnership, society, or joint stock company that has been licensed by the federal government to engage in the business of importing, manufacturing, or dealing in firearms or ammunition in accordance with 18 USC § 923.

~~(33)~~(32) "III" means Interstate Identification Index. III is the FBI CJIS service that manages automated submission and requests for criminal history record information.

~~(34)~~(33) "Inappropriate message" means any message that is not related to the administration of criminal justice.

~~(35)~~(34) "~~National Incident Based Reporting System~~" or "~~NIBRS~~"~~Incident based reporting~~ or "~~I Base~~" is a system used to collect criminal offense and arrest information for each criminal offense reported.

~~(36)~~(35) "INTERPOL" means International Criminal Police Organization.

~~(37)~~(36) "N-DEx" means Law Enforcement National Data Exchange. N-DEx is the repository of criminal justice records, available in a secure online environment, managed by the FBI Criminal Justice Information Services (CJIS) Division. N-DEx is available to criminal justice agencies throughout North Carolina, and its use is governed by federal regulations.

~~(38)~~(37) "NCIC" means National Crime Information Center. NCIC is an information system maintained by the FBI that stores criminal justice information which can be queried by federal, state, and local law enforcement and other criminal justice agencies.

~~(39)~~(38) "NFF" means the National Fingerprint File. NFF is an FBI maintained enhancement to the Interstate Identification Index whereby only a single fingerprint card is submitted per state to the FBI for each offender at the national level.

~~(40)~~(39) "Need-to-know" means for purposes of the administration of criminal justice, for purposes of criminal justice agency employment, or for some other purpose permitted by local ordinance, state statute, or federal regulation.

~~(41)~~(40) "NICS" means the National Instant Criminal Background Check System. NICS is the system mandated by the Brady Handgun Violence Protection Act of 1993 that is used by FFLs to instantly determine via telephone or other electronic means whether the transfer of a firearm would be in violation of Section 922(g) or (n) of Title 18, United States Code, or state law, by evaluating the prospective buyer's criminal history. In North Carolina, NICS is used by sheriff's offices throughout the state to assist in determining an individual's eligibility for ~~either a permit to purchase a firearm or a concealed handgun permit.~~ NICS can also be used by North Carolina law enforcement/criminal justice agencies for the purpose of returning firearms.

~~(42)~~(41) "Nlets" means the International Justice and Public Safety Network.

~~(43)~~(42) "Non-criminal justice agency" or "NCJA" means any agency or sub-unit thereof whose charter does not include the responsibility to administer criminal justice, but may need to process criminal justice information. A NCJA may be public or private. An example is ~~a 911 communications center that performs dispatching functions for a criminal justice agency (government),~~ a bank needing access to criminal justice information for hiring purposes (private), or a county school board that uses criminal history record information to assist in employee hiring decisions (public).

~~(44)~~(43) "Non-criminal justice information" means any information or message that does not directly pertain to the necessary operation of a law enforcement or criminal justice agency. This includes accessing any files or sending any DCIN messages of a personal nature. Examples of messages that are non-criminal justice include:

(a) ~~accessing any DMV file for:~~

(i) ~~political purposes;~~

(ii) ~~vehicle repossession purposes; and~~

(iii) ~~to obtain information on an estranged spouse or romantic interest;~~

(b) ~~a message to confirm meal plans;~~

(c) ~~a message to have a conversation; and~~

(d) ~~a message to send well wishes during a holiday or birthday.~~

~~(45)~~(44) "Official record holder" means the agency that maintains the master documentation and all investigative supplements of a restricted file entry or unrestricted file entry.

~~(46)~~(45) "Ordinance" means a rule or law promulgated by a governmental authority including one adopted and enforced by a municipality or other local authority.

~~(47)~~(46) "ORI" means Originating Agency Identifier, which is a unique alpha numeric identifier assigned by NCIC to each authorized criminal justice and non-criminal justice agency, identifying that agency in all computer transactions.

(48)(47) "Private contractor" means any non-governmental non-criminal justice agency that has contracted with a government agency to provide services necessary to the administration of criminal justice.

(49)(48) "Re-certification" means renewal of a user's initial DCIN certification every two years.

(50)(49) "Restricted files" means those files maintained by NCIC that are protected as criminal history record information (CHRI), which is consistent with Title 28, Part 20 of the United States Code of Federal Regulations (CFR). Restricted files consist of:

- (a) Gang Files;
- (b) Known or Appropriately Suspected Terrorist (KST) Files;
- (c) Supervised Release File;
- (d) Immigration Violator Files;
- (e) National Sex Offender Registry Files;
- (f) Historical Protection Order Files of the NCIC;
- (g) Identity Theft Files;
- (i) Protective Interest File; and
- (j) Person With Information (PWI) data within the Missing Person File.

(51)(50) "Right-to-review" means the right of an individual to inspect his or her own criminal history record information.

(52)(51) "SAFIS" means Statewide Automated Fingerprint Identification System. SAFIS is a computer-based system for reading, encoding, matching, storing, and retrieving fingerprint minutiae and images.

(53)(52) "SBI" means the North Carolina State Bureau of Investigation.

(54)(53) "Secondary dissemination" means the transfer of CCH/CHRI information to anyone legally entitled to receive such information that is outside the initial user agency.

(55)(54) "SEND message" means messages that may be used by DCIN certified users to exchange official information of an administrative nature between in-state law enforcement/criminal justice agencies and out-of-state agencies by means of Nlets.

(56)(55) "Servicing agreement" means an agreement between a terminal agency and ~~a non-terminal agency to provide DCIN terminal services.~~ any authorized criminal justice agency to provide DCIN services.

(57)(56) "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession of the United States.

(58)(57) "Statute" means a law enacted by a state's legislative branch of government.

(59)(58) "TAC" means Terminal Agency Coordinator. A TAC is an individual who serves as a point of contact at a local agency in matters relating to DCIN or CJIS information systems. A TAC administers CJIS and CIIS system programs within the local agency and oversees the agency's compliance with both CIIS rules and CJIS system policies.

(60)(59) "Terminal agency" means any agency that has a device under its management and control that is capable of communicating with DCIN.

~~(61)~~(60) "Training module" means a manual containing guidelines for users on the operation of DCIN and providing explanations as to what information may be accessed through DCIN.

~~(62)~~(61) "UCR" means the Uniform Crime Reporting program ~~whose purpose it is to collect a summary of criminal offense and arrest information which collects, correlates, and maintains information including crimes committed and arrests made.~~

~~(63)~~(62) "Unrestricted files" means those files that are maintained by NCIC that are not considered "Restricted Files."

~~(64)~~(63) "User agreement" means an agreement between a terminal agency and CIIS whereby the agency agrees to comply with all CIIS and CJIS rules.

~~(65)~~(64) "User identifier" means a unique identifier assigned by an agency's Terminal Agency Coordinator to all certified DCIN users that is used for gaining access to DCIN and for identifying certified users.

History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19;~~

Eff. August 1, 2014;

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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016-2016;

Readopted Eff. December 1, 2026.

1 14B NCAC 18A .0103 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18A .0103 FUNCTION OF DCIN**

3 Users of DCIN may:

- 4 (1) transmit or receive any criminal justice related message to or from any device connected to DCIN;
- 5 ~~(2) enter into or retrieve information from North Carolina's:~~
- 6 ~~(a) recovered vehicle file;~~
- 7 ~~(b) sex offender registry; and~~
- 8 ~~(c) concealed handgun permit file~~
- 9 ~~(3)~~(2) enter into or retrieve information from DCIN user certification and class enrollment files;
- 10 ~~(4)~~(3) enter into or retrieve information from NCIC's restricted and unrestricted files;
- 11 ~~(5)~~(4) access NCIC's criminal history data;
- 12 ~~(6)~~(5) obtain, on a need-to-know basis, the criminal record of an individual by inquiring into the state
- 13 Computerized Criminal History (CCH) file maintained by CIIS, or CCH files maintained by other
- 14 states and the Federal Bureau of Investigation (FBI) through III;
- 15 ~~(7)~~(6) communicate with devices in other states through Nlets with the capability to exchange automobile
- 16 registration information, driver's license information, criminal history record information,
- 17 corrections information, and other law enforcement related information;
- 18 ~~(8)~~(7) obtain information on North Carolina automobile registration, driver's license information and
- 19 driver's history by accessing DMV maintained files;
- 20 ~~(9)~~(8) obtain registration information on all North Carolina registered boats, and inquire about aircraft
- 21 registration and aircraft tracking;
- 22 ~~(10)~~(9) obtain information on those individuals under the custody or supervision of ~~DOC~~DAC; and
- 23 ~~(11)~~(10) access, enter, and modify information contained within the National Instant Criminal Background
- 24 Check System (NICS).

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26 *History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19;~~*

27 *Eff. August 1, 2014;*

28 *Transferred and Recodified from 12 NCAC 04H .0103 Eff. November 1, 2015;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*

30 *~~2016-2016;~~*

31 *Readopted Eff. December 1, 2026.*

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1 14B NCAC 18A .0402 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18A .0402 CERTIFICATION AND RECERTIFICATION OF DCIN USERS**

3 (a) Personnel who are assigned the duty of using a DCIN device shall be certified within 120 days from employment
4 or assignment to user duties. Certification shall be awarded based on achieving a test score of 80 percent or greater
5 in each training module for which the user is seeking certification.

6 (b) All DCIN users shall be certified by ~~DCI~~DCIIS. The initial certification of a user shall be awarded upon attending
7 the "DCIN/NCIC General Inquiries" module class, and achieving a passing score on the accompanying test offered
8 through the DCIN end user interface. A student may also take one or more additional module training classes offered
9 by ~~DCI~~DCIIS which teach the specific functions of DCIN applicable to their job duties. A user may perform only those
10 functions in which they have been trained and certified.

11 (c) Tests for modules in which a student is seeking initial certification shall be taken within 15 days of the end of the
12 class, and may be open-book. If a student fails the initial certification test they shall have until the 15th day to pass
13 the ~~test, but shall wait at least 24 hours between the failed test and the next attempt test.~~ A student shall have a
14 maximum of three attempts to pass the test. If the student fails to achieve a passing score after the third attempt the
15 user shall re-take the module training class.

16 (d) Recertification requires achieving a test score of 80 percent or higher on the test corresponding to the module for
17 which the user is seeking recertification, and may be accomplished by taking the test through the DCIN end user
18 interface. Recertification is required every two years for each module in which the user is certified and may be
19 obtained any time 30 days prior to or ~~90~~365 days after expiration.

20 (e) Tests for modules in which the user is seeking recertification shall be taken within 30 days prior to expiration or
21 within ~~90~~365 days after expiration, and may be open-book. If the user fails the recertification test the user shall have
22 up to the ~~90th~~365th day after expiration to pass the ~~test, but shall wait at least 24 hours between the failed test and the~~
23 ~~next attempt test.~~ A user shall have a maximum of three attempts to pass the test. If the user fails to achieve a passing
24 score after the third attempt the user shall re-take the training module class. If a user fails to recertify in any module
25 after the ~~90th~~365th day the user must attend the module training class for the module in which the user seeks
26 recertification and achieve a passing score on the test.

27 (f) Personnel newly hired or assigned to duties of a terminal user shall receive an ~~indoctrination~~orientation on the
28 basic functions and terminology of DCIN by their own agency prior to attending an initial certification class. Such
29 personnel may operate a DCIN device during the ~~indoctrination~~orientation if they are directly supervised by a certified
30 user and are within the 120-day training period.

31 (g) Any user whose Module 1 certification has expired may recertify up to ~~90~~365 days after the user's expiration. The
32 individual shall not use any device connected to DCIN during the time between expiration and passing the
33 recertification test(s). Any user whose Module 1 certification has expired more than ~~90~~365 days shall attend and
34 successfully complete the "DCIN/NCIC General Inquiries" class.

35 (h) When a DCIN certified user leaves the employment of an agency, the TAC shall disable the user account in DCIN
36 and notify ~~DCI~~DCIIS within 24 ~~hours, and disable the user's user identifier.~~ hours. ~~DCI~~DCIIS shall move user's user
37 identifier to an inactive status until such time the user is employed by another agency.

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*History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19;~~
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1 14B NCAC 18B .0104 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0104 SECURITY AWARENESS TRAINING**

3 (a) Security awareness training is required ~~within six months of initial assignment~~ prior to DCIN and CJIS systems
4 access and every ~~two years~~ year thereafter for any personnel who have access to DCIN devices or any network that
5 stores, processes, or transmits criminal justice information.

6 (b) This Rule also applies to agency personnel who require the use of DCIN criminal justice information but are not
7 actively DCIN-certified and to any individual described in Rule .0103 of this Subchapter who is responsible for the
8 configuration or support of devices or computer networks that store, process, or transmit criminal justice information.

9 (c) Security awareness training shall be facilitated by CIIS.

10 (d) Records of security awareness training shall be documented, kept current, and maintained by the criminal justice
11 agency.

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13 *History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19.~~*

14 *Eff. August 1, 2014;*

15 *Transferred and Recodified from 12 NCAC 04I .0104 Eff. November 1, 2015;*

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17 *2016;*

18 *Readopted Eff. December 1, 2026.*
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1 14B NCAC 18B .0203 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0203 VALIDATIONS**

3 (a) Law enforcement and criminal justice agencies shall validate all record ~~entries, with the exception of articles,~~
4 entries made into the NCIC restricted and unrestricted files.

5 (b) Validation shall be accomplished by reviewing the original entry and current supporting documents. Stolen
6 vehicle, stolen boat, wanted person, missing person, protection order, and sex offender file entries require consultation
7 with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files or other appropriate source
8 or individual in addition to the review of the original file entry and supporting documents.

9 (c) Validations shall be conducted through the CHIS automated method.

10 (d) Any records containing inaccurate data shall be modified and records which are no longer current or cannot be
11 substantiated by a source document shall be removed from the NCIC.

12 (e) Any agency that does not properly validate its records shall have their records purged for that month by NCIC.
13 An agency shall be notified of the record purge through an NCIC-generated message sent to the agency's main DCIN
14 device. An agency may re-enter the cancelled records once the records have been validated.

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16 *History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19;~~*

17 *Eff. August 1, 2014;*

18 *Transferred and Recodified from 12 NCAC 04I .0203 Eff. November 1, 2015;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
20 *~~2016-2016;~~*

21 *Readopted Eff. December 1, 2026.*

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1 14B NCAC 18B .0301 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0301 ARREST FINGERPRINT CARD**

3 (a) Fingerprint cards submitted in accordance with G.S. 15A-502 must contain the following information on the
4 arrestee in order to be processed by the SBI or FBI:

- 5 (1) ORI number and address of arresting agency;
6 (2) complete name;
7 (3) date of birth;
8 (4) race;
9 (5) sex;
10 (6) date of arrest;
11 (7) criminal charges; and
12 (8) a set of fingerprint impressions and palm ~~prints if the agency is capable of capturing palm~~
13 ~~prints.~~prints.

14 (b) Any fingerprint cards physically received by the SBI that do not meet these requirements shall be returned to the
15 submitting agency to be corrected and resubmitted. Any fingerprint cards that have been submitted electronically to
16 the SBI that do not meet these standards shall not be accepted. The submitting agency shall receive electronic
17 notification that the prints did not meet minimum standards through the agency's LiveScan device.

18 (c) The arrest and fingerprint information contained on the arrest fingerprint card shall be added to the North Carolina's
19 CCH files, and electronically forwarded to the FBI's Interstate Identification Index (III) for processing.

20 (d) Criminal fingerprint cards shall be submitted in the following ways:

- 21 (1) electronically through the agency's LiveScan device to North Carolina's Statewide Automated
22 Fingerprint Identification System (SAFIS); or
23 (2) mail addressed to:

24 North Carolina State Bureau of Investigation
25 Criminal Information and Identification Section
26 3320 Garner Road
27 Raleigh, North Carolina ~~27626~~27610
28 Attention: AFIS & Technical Search Unit
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30 *History Note: Authority G.S. 15A-502; 15A-1383;*

31 *Eff. August 1, 2014;*

32 *Transferred and Recodified from 12 NCAC 04I .0301 Eff. November 1, 2015;*

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
34 ~~*2016-2016;*~~

35 *Readopted Eff. December 1, 2026.*
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1 14B NCAC 18B .0302 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0302 FINAL DISPOSITION INFORMATION**

3 (a) Final disposition information shall be submitted electronically to ~~DCI~~DCIN by the Administrative Office of the
4 Courts (AOC).

5 (b) The final disposition information shall be added to North Carolina's CCH files, and shall be electronically
6 transmitted to the FBI's Interstate Identification Index (III).

7 ~~(c) Any final disposition rejected by DCI shall be returned to the Clerk of Court in the county of the arresting agency~~
8 ~~for correction and resubmission.~~

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10 *History Note: Authority G.S. 15A-1381; 15A-1382; 15A-1383; ~~114-10; 114-10.1; 143B-1208.16; 143B-1208.19;~~*

11 *Eff. August 1, 2014;*

12 *Transferred and Recodified from 12 NCAC 04I .0302 Eff. November 1, 2015;*

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14 *~~2016.2016;~~*

15 *Readopted Eff. December 1, 2026.*
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1 14B NCAC 18B .0303 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0303 INCARCERATION INFORMATION**

3 (a) Incarceration information shall be electronically submitted to ~~DCIDCIN~~ by the ~~North Carolina Department of~~
4 ~~Public Safety (DPS)~~ DAC on all subjects admitted to prison.

5 (b) The incarceration information shall be added to the North Carolina CCH files, and shall be electronically
6 transmitted to the FBI's Interstate Identification Index (III).

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8 *History Note: Authority G.S. 15A-502; 15A-1383; ~~114-10; 114-10.1; 143B-1208.16; 143B-1208.19;~~*

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12 *~~2016-2016;~~*

13 *Readopted Eff. December 1, 2026.*

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1 14B NCAC 18B .0401 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0401 DISSEMINATION AND LOGGING OF CHRI AND NICS RECORDS**

3 (a) Criminal history record information (CHRI) obtained from or through DCIN, NCIC, NICS, N-DEx, or Nlets shall
4 not be disseminated to anyone outside of those agencies eligible under 14B NCAC 18A .0201(a) except as provided
5 by Rules .0403, .0405, .0406, and .0409 of this Section. Any agency assigned a limited access ORI shall not obtain
6 CHRI. Any agency requesting CHRI that has not received an ORI pursuant to 14B NCAC 18A .0201(a) shall be
7 denied access and referred to the North Carolina CSO.

8 (b) CHRI is available to eligible agency personnel only on a "need-to-know" basis as defined in ~~12 NCAC 04H~~
9 ~~.0104~~ 14B NCAC 18A .0102(39).

10 (c) The use or dissemination of CHRI obtained through ~~DCIN or N-DEx~~ DCIN, NCIC, NICS, N-Dex, or Nlets for
11 unauthorized purposes is a violation of this Rule.

12 (d) CIIS shall maintain an automated log of CCH/CHRI/National Instant Criminal Background Check System (NICS)
13 inquiries for a period of not less than one year from the date of inquiry. The automated log shall contain the following
14 information as supplied by the user on the inquiry screen and shall be made available on-line to the inquiring agency;

- 15 (1) date of inquiry;
- 16 (2) name of record subject;
- 17 (3) state identification number (SID) or FBI number of the record subject;
- 18 (4) message key used to obtain information;
- 19 (5) purpose code;
- 20 (6) user's initials;
- 21 (7) (Attention field) name of person and agency requesting information who is the initial user of the
22 record;
- 23 (8) (Attention 2 field) name of person and agency requesting information who is outside of the initial
24 user agency. If there is not a second individual receiving the information, information indicating
25 why the information is requested may be placed in this field; and
- 26 (9) if applicable, NICS Transaction Number (NTN) for NICS logs only.

27 (e) Criminal justice agencies making secondary disseminations of CCH, CHRI, N-DEx, or NICS information obtained
28 through DCIN shall maintain a log of the dissemination in a case. This log must identify the name of the recipient
29 and their agency.

30 (f) Each criminal justice agency obtaining CHRI through a DCIN device shall conduct an audit of their automated
31 CCH log as provided by DCIN once every month for the previous month. The audit shall take place within 15 business
32 days of the end of the month being reviewed. This audit shall include a review for unauthorized inquiries and
33 disseminations, improper use of agency ORI's, agency names, and purpose codes. These logs must be maintained on
34 file for one year from the date of the inquiry, and may be maintained electronically by the criminal justice agency.
35 Any violation of CIIS rules must be reported by an agency representative to CIIS within 20 business days of the end
36 of the month being reviewed. On those months that do not contain 20 business days, any violations of CIIS rules must

be reported by an agency representative to CIIS by the first business day of the following month, at the latest. If an agency does not have a device connected to DCIN that can receive CHRI, this audit is not required.

(g) Each criminal justice agency obtaining information from NICS or N-DEx shall conduct the same monthly audit as those for CHRI logs. The audit shall take place within 15 business days of the end of the month being reviewed. This audit shall include a review for unauthorized inquiries or disseminations and improper use of purpose codes. These logs must be maintained on file for one year from the date of inquiry, and may be maintained electronically by the criminal justice agency. Any violation of CIIS rules must be reported by an agency representative to CIIS within 20 business days of the end of the month being reviewed. On those months that do not contain 20 business days, any violations of CIIS rules must be reported by an agency representative to CIIS by the first business day of the following month, at the latest.

(h) DCIN automated CCH logs, automated NICS logs, and any secondary dissemination logs shall be available for audit or inspection by the CSO or his designee as provided in 14B NCAC 18B .0801.

(i) Out of state agencies requesting a statewide criminal record check shall utilize NCIC.

History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19;~~

Eff. August 1, 2014;

Transferred and Recodified from 12 NCAC 04I .0401 Eff. November 1, 2015;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016-2016;

Readopted Eff. December 1, 2026.

1 14B NCAC 18B .0403 is proposed for re adoption with substantive changes as follows:

2 **14B NCAC 18B .0403 USE OF CHRI FOR CRIMINAL JUSTICE EMPLOYMENT**

3 (a) Agencies must submit an applicant fingerprint card on each individual seeking criminal justice employment, and
4 the card must contain the following information in order to be processed by ~~DCI~~CIIS and FBI:

- 5 (1) complete name;
- 6 (2) date of birth;
- 7 (3) race;
- 8 (4) sex;
- 9 (5) position applied for;
- 10 (6) hiring agency; and
- 11 (7) a set of legible fingerprint impressions.

12 Any fingerprint cards that do not meet these requirements shall be returned by ~~DCI~~CIIS to the submitting agency for
13 correction and resubmitted.

14 ~~(b) For sworn and telecommunicator positions the response and the fingerprint card shall be forwarded to the~~
15 ~~appropriate training and standards agency. For non-sworn positions, the response shall be returned to the submitting~~
16 ~~agency. DCI shall not maintain the cards or responses.~~

17 ~~(c)~~(b) Agencies may submit the information in Paragraph (a) of this Rule in an electronic method to CIIS for
18 processing. Any fingerprints and associated information not meeting the requirements in Paragraph (a) of this Rule
19 shall not be accepted. An electronic notification shall be sent by ~~DCI~~CIIS to the submitting agency indicating the
20 submitted information did not meet minimum requirements.

21
22 *History Note: Authority ~~G.S. 114-10; 114-10.1; 114-16; 114-19; G.S. 114-60; 143B-906; 143B-1208.16; 143B-~~*
23 *~~1208.19;~~*
24 *~~Eff. August 1, 2014;~~*
25 *~~Transferred and Recodified from 12 NCAC 04I .0403 Eff. November 1, 2015;~~*
26 *~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,~~*
27 *~~2016-2016;~~*
28 *Readopted Eff. December 1, 2026.*
29
30

1 14B NCAC 18B .0405 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0405 CCH USE IN LICENSING AND NON-CRIMINAL JUSTICE EMPLOYMENT**
3 **PURPOSES**

4 (a) Criminal justice agencies authorized under ~~12 NCAC 04H .0201~~ 14B NCAC 18A .0201 which issue licenses or
5 approve non-criminal justice employment and want to use computerized criminal history information maintained by
6 ~~DCI~~ CIIS for licensing, permit, and non-criminal justice employment purposes shall submit to CIIS a written request
7 listing the types of licenses, permits, and employment for which they desire to use computerized criminal history
8 information. A copy of the local ordinance or a reference to the North Carolina General Statute giving authority to
9 issue a particular permit or license must be included in the written request.

10 (b) Authorization to use computerized criminal history information for licensing, permit, or employment purposes
11 may be given only after ~~the DCI and the North Carolina Attorney General's Office have~~ the FBI has evaluated and
12 granted authorization based upon the authority of the North Carolina General Statutes or local ordinance pertaining to
13 the issuance of that particular license or permit for employment.

14 (c) Once authorization by the FBI has been given, ~~DCI~~ CIIS shall provide the agency an access agreement, which
15 outlines the guidelines for information usage. The access agreement shall also include information on billing
16 mechanisms. ~~DCI~~ CIIS shall bill the agency fourteen dollars (\$14.00) for a check of North Carolina computerized
17 criminal history files, and thirty-eight dollars (\$38.00) for a search of both the North Carolina computerized criminal
18 history files and a search of the FBI's Interstate Identification Index (III) files. ~~DCI~~ The SBI shall send an invoice to
19 the requesting agency to collect these fees.

20 (d) The access agreement shall be signed by the requesting agency's head, and returned to ~~DCI~~ CIIS.

21 (e) The agency's terminal, if applicable, shall receive the capability to use the purpose code "E" in the purpose field
22 of the North Carolina CCH inquiry screens for employment or licensing once the agency head has signed the access
23 agreement and returned it to ~~DCI~~ CIIS. Once an agency has received this capability, it shall use the purpose code "E",
24 the proper two character code, and the name of the person receiving the record. A log of all primary and any secondary
25 dissemination must also be kept for one year on all responses received from this type of inquiry.

26 (f) Criminal justice agencies may also gain access by submission of non-criminal justice applicant fingerprint cards.
27 Approval must be obtained pursuant to the procedure in Paragraph (a) of this Rule. One applicant fingerprint card
28 must be submitted on each individual. The fingerprint card must contain the following information on the applicant
29 in order to be processed by ~~DCI~~ CIIS and the FBI:

- 30 (1) complete name;
- 31 (2) date of birth;
- 32 (3) race;
- 33 (4) sex;
- 34 (5) reason fingerprinted to include the N.C.G.S. or local ordinance number;
- 35 (6) position applied for;
- 36 (7) the licensing or employing agency; and
- 37 (8) a set of legible fingerprint impressions.

38 ~~DECI~~CIIS shall return the letter of fulfillment to the submitting agency indicating the existence or absence of a criminal
39 record.

40 (g) Requests from non-criminal justice agencies or individuals to use criminal history information maintained by
41 ~~DECI~~CIIS for licensing and employment purposes shall be treated as a fee for service request pursuant to G.S. 114-
42 19.1 or any other applicable statute. The process for approval for non-criminal justice agencies or individuals shall
43 be the same process as in Paragraph (a) of this Rule.

44 (h) Upon being approved, the requesting agency shall submit its requests to the North Carolina State Bureau of
45 Investigation, Criminal Information and Identification Section, ~~Special Processing Unit~~, CIIS Applicant Unit, 3320
46 Garner Road, Raleigh, North Carolina ~~27626-27610~~. Each request shall include a fee in the form of a certified cashier's
47 check, money order, or direct billing of ten dollars (\$10.00) for a name-only check, fourteen dollars (\$14.00) for a
48 state-only ~~fingerprint-based~~fingerprint-based check, or thirty-eight dollars (\$38.00) for a state and national ~~fingerprint~~
49 ~~based fingerprint-based~~check (if applicable).

50 (i) Criminal history record information accessible pursuant to this Rule shall be North Carolina criminal history record
51 information, and FBI III information if permitted by statute.

52
53 *History Note: Authority ~~G.S. 114-10; 114-10.1; 114-19.1; G.S. 143B-930; 143B-1208.16; 143B-1208.19;~~*

54 *Eff. August 1, 2014;*

55 *Transferred and Recodified from 12 NCAC 04I .0405 Eff. November 1, 2015;*

56 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
57 *~~2016-2016;~~*

58 *Readopted Eff. December 1, 2026.*

59
60

1 14B NCAC 18B .0406 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0406 RESTRICTIVE USE OF CCH FOR EMPLOYMENT PURPOSES**

3 (a) Use of computerized criminal history information maintained by the CIIS for licensing permits or non-criminal
4 justice employment purposes shall be authorized only for those criminal justice and non-criminal justice agencies who
5 have complied with Rule .0405 of this Section.

6 (b) The following requirements and restrictions are applicable to all agencies who have received approval to use
7 computerized criminal history information for licensing, permits, or non-criminal justice employment purposes. Each
8 such agency is responsible for their implementation:

- 9 (1) computerized criminal history information obtained shall not be used or disseminated for any other
10 purpose;
- 11 (2) computerized criminal history information obtained shall not be released to or reviewed by anyone
12 other than the agencies authorized by CIIS;
- 13 (3) the only data in the computerized criminal history files which may be used in an agency's
14 determination of issuing or denying a license, permit or employment are those crimes stipulated in
15 the referenced ordinance or statutory authority as grounds for disqualification. All criminal history
16 arrest information held by CIIS shall be released regardless of disposition status. Each agency is
17 responsible for reviewing each statutory authority and knowing what data may be used and what
18 data shall not be used for grounds in denying or issuing a particular license or permit for
19 employment;
- 20 (4) prior to denial of a license, permit, or employment due to data contained in a computerized criminal
21 history ~~record~~, record based upon a name check only, a fingerprint card of the applicant shall be
22 submitted to CIIS for verification that the record belongs to the applicant;
- 23 (5) if the information in the record is used to disqualify an applicant, the official making the
24 determination of suitability for licensing or employment shall provide the applicant the opportunity
25 to correct, complete, or challenge the accuracy of the information contained in the record. The
26 applicant must be afforded a reasonable time to correct, complete or to decline to correct or complete
27 the information. An applicant shall not be presumed to be guilty of any charge/arrest for which there
28 is no final disposition stated on the record or otherwise determined. Applicants wishing to correct,
29 complete or otherwise challenge a record must avail themselves of the procedure set forth in Rule
30 .0404(c) of this Section.

31 (c) A "no-record" response on a computerized criminal history inquiry based upon a name check only does not
32 necessarily mean that the individual does not have a record. If the requesting agency desires a more complete check
33 on an applicant, a fingerprint card of the applicant shall be submitted to ~~DCI~~ CIIS.

34
35 *History Note: Authority ~~G.S. 114-10; 114-10.1; 114-19.1; G.S. 143B-930; 143B-1208.16; 143B-1208.19;~~*
36 *Eff. August 1, 2014;*
37 *Transferred and Recodified from 12 NCAC 04I .0406 Eff. November 1, 2015;*

38 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
39 *~~2016-2016~~;*
40 *Readopted Eff. December 1, 2026.*
41
42

1 14B NCAC 18B .0409 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0409 ACCESS TO CHRI BY ATTORNEYS**

3 (a) An attorney must have entered ~~in to~~into a proceeding in accordance with G.S. 15A-141 in order to access North
4 Carolina-only CHRI. The attorney may have access to the CHRI of only the defendant he or she is representing. ~~The~~
5 ~~prosecuting District Attorney must approve the request.~~

6 (b) If, during a proceeding, an attorney desires CHRI of an individual involved in the proceeding other than the
7 attorney's client, the attorney shall make a motion before the court indicating the desire for the CHRI.

8 (c) In order to maintain compliance with state and federal requirements an attorney shall disclose the purpose for any
9 request of CHRI.

10 (d) CHS shall provide a form to be utilized by any DCIN user when fulfilling a request for CHRI by an attorney. This
11 form shall help ensure compliance with state and federal rules regarding access to and dissemination of CHRI.

12 (e) The attorney must fill out all applicable fields of the form and return it to the DCIN user to process the request.
13 The attorney shall provide:

- 14 (1) the client's name;
15 (2) docket number for the matter;
16 (3) prosecutorial district in which the matter is being tried; and
17 (4) the next date on which the matter is being heard.

18 (f) The attorney may submit requests for CHRI only within the prosecutorial district of the District Attorney that is
19 prosecuting the defendant(s). If a change of venue has been granted during a proceeding, this Rule still applies, and
20 the attorney must still seek the CHRI from the prosecutorial district within which the proceeding originated.

21 (g) Records of requests and dissemination to attorneys must be kept by the disseminating agency for a period of one
22 year.

23 (h) Requests for North Carolina-only CHRI ~~may~~must be notarized ~~in lieu of approval from the District Attorney and~~
24 the agency must receive the original signature(s) on the form.

25
26 *History Note: Authority G.S. ~~114-10; 114-10.1; 15A-141; 143B-1208.16; 143B-1208.19;~~*

27 *Eff. August 1, 2014;*

28 *Transferred and Recodified from 12 NCAC 04I .0409 Eff. November 1, 2015;*

29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
30 *~~2016-2016;~~*

31 *Readopted Eff. December 1, 2026.*
32
33

1 14B NCAC 18B .0603 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0603 FINGERPRINTING OF CONVICTED SEX OFFENDERS**

3 (a) Fingerprints submitted in accordance with G.S. 14-208.7 must contain the following information on the convicted
4 sex offender in order to be processed by the SBI:

- 5 (1) ORI number;
- 6 (2) complete name;
- 7 (3) date of birth;
- 8 (4) race;
- 9 (5) sex;
- 10 (6) sex offender registration number (SRN); and
- 11 (8) a set of fingerprint impressions and palm prints ~~if the agency is capable of capturing palm~~
12 ~~prints, prints.~~

13 Submissions shall be made through the registering agency's ~~LiveScan~~ Live Scan device.

14 (b) Fingerprints submitted to CIIS that do not contain all of the items in Paragraph (a) of this Rule shall not be
15 accepted.

16 (c) The submitted fingerprint information shall be added to the North Carolina Sex Offender Registry and to SAFIS.

17
18 *History Note: Authority ~~G.S. 114-10;~~ G.S. 143B-1208.16; 143B-1208.19;*

19 *Eff. August 1, 2014;*

20 *Transferred and Recodified from 12 NCAC 04I .0603 Eff. November 1, 2015;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
22 *~~2016.~~ 2016;*

23 *Readopted Eff. December 1, 2026.*
24

1 14B NCAC 18B .0701 is proposed for readoption with substantive changes as follows:

2 **14B NCAC 18B .0701 DISSEMINATION OF DIVISION OF MOTOR VEHICLES INFORMATION**

3 (a) DMV information obtained from or through DCIN shall not be disseminated to anyone outside those agencies
4 eligible under 14B NCAC 18A .0201(a) unless obtained for the following purposes:

- 5 (1) in the decision of issuing permits or licenses if statutory authority stipulates the non-issuance or
6 denial of a permit or license to an individual who is a habitual violator of traffic laws or who has
7 committed certain traffic offenses and those licensing purposes have been authorized by ~~CHS and~~
8 ~~the Attorney General's Office; CIIS;~~
9 (2) by governmental agencies to evaluate prospective or current employees for positions involving the
10 operation of publicly owned vehicles; or
11 (3) by a defendant's attorney of record in accordance with G.S. 15A-141.

12 (b) Each agency disseminating driver history information to a non-criminal justice agency for any of the purposes
13 listed in Paragraph (a) shall maintain a log of dissemination for one year containing the following information:

- 14 (1) date of inquiry for obtaining driver's history;
15 (2) name of terminal operator;
16 (3) name of record subject;
17 (4) driver's license number;
18 (5) name of individual and agency requesting or receiving information; and
19 (6) purpose of inquiry.

20 (c) Driver history information obtained from or through DCIN shall not be released to the individual named in the
21 record. An individual seeking his or her own driver history information shall be instructed to contact DMV.

22 (d) DMV information obtained for any purpose listed in Paragraph (a) of this Rule shall be used for only that purpose
23 and shall not be redisseminated or released for any other purpose.

24 (e) Nothing in this Rule shall prevent an attorney from discussing the contents of driver history information with the
25 individual named in the record if the attorney is representing the individual in accordance with G.S. 15A-141.

26
27 *History Note: Authority ~~G.S. 114-10; 114-10.1; G.S. 143B-1208.16; 143B-1208.19;~~*

28 *Eff. August 1, 2014;*

29 *Transferred and Recodified from 12 NCAC 04I .0701 Eff. November 1, 2015;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4,*
31 *~~2016-2016;~~*

32 *Readopted Eff. December 1, 2026.*
33