

Ordinance Checklist

These checklist items are intended only as a guideline for approving and drafting statutory authority. These elements may change at any time. The North Carolina Attorney General's Office (State Bureau of Investigation) and/or the U.S. Attorney General's Office (Federal Bureau of Investigation) may need to review the statutory authority in an effort to grant approval for criminal history access. Fingerprint verification of criminal records will involve a fee.

The ordinance shall:

1. Specify exactly who the subject of the ordinance is.
2. Specify the purpose of the ordinance.
3. Require the applicant to provide all necessary identification information, name and other appropriate identifiers, or completed applicant fingerprint card.
4. If a criminal justice agency is charged with the responsibility of issuing the license/employment, specify which criminal justice agency.
 - a. Must specify that the criminal justice agency will be utilizing the DCI network to process background checks.
5. If a criminal justice agency will be doing name checks for the non-criminal entity, the ordinance should state that:

“Prior to denial or termination of employment based on CHRI received from the **criminal justice agency**, the **non-criminal entity** shall verify the existence of a record by **either** obtaining a certified public record **or** by submitting a fingerprint card of the individual to the SBI for verification that the CHRI record belongs to the individual.”
6. If not a criminal justice agency, specify which government agency or position is responsible for license issuance/employment.
7. Suggestion: Clearly indicate that criminal history record access is authorized and identify the criteria for which a person would be denied employment, permit or license. Example: convictions of any felonies, misdemeanors involving drugs, etc.
8. Define in the ordinance/statute, or in some other appropriate document, such as personnel manual, any term or phrase which is vague or could be subject to various interpretations.

SPECIAL CIRCUMSTANCES and OTHER INFO:

- a. If the criminal justice agency desires to do a NC state only check utilizing DCI network **in addition to** a national fingerprint check, please ensure that this is written into the ordinance.
 - b. The ordinance will have to be approved by both the SBI and FBI. Please allow time for this additional step.
 - c. The SBI will bill the agency the first of each month.
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- **Taxi Ordinances** - If the law enforcement agency wants to do **a national fingerprint check** for taxi drivers, the ordinance must explicitly reference **NCGS 160A-304**.
 - **City/County Government Employment Ordinances** - If the law enforcement agency wants to do **a national fingerprint check** for city or county government employment, the ordinance must explicitly reference **NCGS 143B-945**.
 - **Fire Department Ordinances** - If the law enforcement agency wants to do **a national fingerprint check** for Fire Department Applicants, the ordinance must explicitly reference **NCGS 143B-943**.

FOR REQUESTING AGENCY PURPOSES ONLY:

- a. The final signed copy that is passed will need to be emailed to the SBI for final approval at ECODEHelp@ncsbi.gov.
- b. An access agreement requiring compliance with SBI/DCIN regulations and fee payment terms will then be sent to you for signatures. This must be MAILED to the SBI at the following address:

N.C. State Bureau of Investigation
Attn: Access Integrity Unit
3320 Garner Road
PO Box 29500
Raleigh, NC 27626
- c. If a NC state only fingerprint card is submitted to the CIIS, a fee of \$14 will be billed to your agency. Fingerprints are a positive identification method.

QUESTIONS: ECODEHelp@ncsbi.gov