

Francis X. Aumand III
Chairman



Ronald P. Hawley
Executive Director

**STATE CRIMINAL HISTORY RECORD
INFORMATION AVAILABILITY SURVEY
March 2006**

As a part of its ongoing efforts to support the U.S. Department of Justice (DOJ) research into non-criminal justice background check issues, SEARCH was asked to disseminate a series of questions to the states regarding these types of checks. The Intelligence Reform legislation passed by Congress following the findings of the 9/11 Commission requires the Attorney General to prepare a report to Congress on various aspects of non-criminal justice background checks. SEARCH was asked to distribute these questions to its Membership Group to assist with the preparation of this report. The twelve questions were split between two sections; the seven questions in Section A dealt with name-based checks, and the five questions in Section B with fingerprint-based background checks.

The questions were emailed March 24, 2006 to all current SEARCH Members. Thirty-four (34) states responded as of close of business April 21, 2006. Following are restatements of each question, followed by a recap of the states' responses. A detailed listing of each state's responses and comments is also included for reference.

SECTION A: NAME-BASED CHECKS

1. Name-based criminal record background checks of state only records are available to the public in my state.

Of the 34 states that replied to this question, 25 states (73.5%) responded that records are available to the public; 9 (26.5%) of the responding states do not make state only name-based records available to the public. The states responding positively were asked six more questions. Others were asked to skip to the second section: "Fingerprint-based Checks."

2. Members of the public may use the following methods to submit name-based criminal record background check queries of state only records. States were given six categories from which to choose, plus one category in which other methods not listed on the survey could be inserted. Those methods listed were: Repository Website, Statewide Court Website, Walk-In, Mail, Telephone, and Kiosk. When indicating what methods were available to the public, responders were also asked whether fees applied, and if so, what those fees were.

Of the 25 states that replied to this question, there was a total of 11 different methods by which name-based information could be requested:

15 state repositories have websites through which the public may access background information. Of those, 14 charge a fee for that access, with an average fee of \$13.02.

10 states have access provided by a Statewide Court website. Of those, 4 charge a fee for access, with an average fee of \$ 21.00.

17 states accept Walk-In background check queries, with 100% charging fees that average \$16.12.

22 states accept background check queries via US Postal Service, with 20 states charging fees that average \$16.56.

1 state accepts background check queries submitted over the telephone, charging fees that average \$15.00.

1 state has a kiosk system in place at public locations for background check queries, charging fees that average \$10.00.

8 states utilize other methods for submitting background check queries, charging fees that average \$14.71.

3. If your state maintains a publicly accessible repository website that provides name-based criminal record background checks, under what authority was the website established?

Of the 14 states that responded to this question, 8 states indicated that their website was established under a Statute or Legislative authority; 7 states administer under existing authority; one state has a website administered by the Office of the Court Administrator.

4. Under what circumstances is consent required from the individual on whom the name-based check is made?

Five possible answers were provided, along with an area into which states could provide answers that had not been included with those five choices.

Of the 24 states responding to this question, 15 responded that they never require consent; 9 reported that they always require consent; 2 require consent for misdemeanor information; 3 make felony convictions available without consent; and 3 require consent for both felony and misdemeanor information.

2 states used the “other” column to provide answers that had not been provided on the survey. Responses added can be found in the attached details from responders.

5. If consent is required, in what form is it given?

10 states responded to this item. Of those states, all reported that they require written consent; and 1 state requires consent as part of employment applications. In addition to the three possible responses, a column for “other” was also included: 2 states provided answers including “completion of request form and notarized,” “completion of Authorization for Release of Information Form,”

6. Please indicate how those public entities that are eligible to request name-based checks of state only CHRI, and the corresponding fee charged per check.

23 states responded to this item on the survey.

Six possible responses were provided, along with two “other” columns into which responders could add responses not included with those six. The six responses provided include:

General Public: 21 states provide this service, with fees averaging \$16.92. There were no states that reported providing this service free of charge.

Volunteers: 17 states charge a fee for volunteer checks, with the average fee being \$14.42. 3 states provide the service at no charge for special groups (see detail attached).

Housing: 17 states, with average fee of \$15.11. No states reported that they provide the service at no charge for special groups.

All Employment: 17 states with average fee of \$16.98. One state provides the service at no charge for special groups (see detail attached)

Designated Employment: 19 states with average fee of \$ 17.52. Two states provide the service at no charge for special groups (see detail attached).

Licensing: 18 states with average fee of \$ 17.15. No states reported providing this service at no charge for special groups.

Other: 6 states provided responses in this column. 5 charge fees averaging \$13.50. One state provides other service at no charge. Further information regarding those responses are shown on the attached detail for this question..

7. Persons or entities requesting name-based criminal record background checks through our repository are provided with the following:

Responders were provided a six choices for their answers. Of those six, three fell under the heading “Specified Offenses Designated by Statute;” individual statutes quoted for these choices may be found in the detailed attachment.

11 states provide everything on record (adult only). 12 reported that they provide only convictions and pending prosecutions. 5 responded that they provide convictions only. Of the three choices offered under the “Specified Offenses” heading, 1 state provides responses limited to felonies; No states reported that responses are limited by age of the offense; 6 provided “other” responses that did not fall under the categories provided. These “other” responses, as well as statutes quoted are provided in the attached detail for this question.

SECTION B: FINGERPRINT-BASED CHECKS

1. Fingerprint -based criminal record background checks of state only records are available to the public in my state.

Of the 34 states responding to this question, 25 (73.5%) provide this service.

2. If you answered Yes to number 1, under what authority does your state allow members of the public to request fingerprint-based criminal record background checks of state-only records?

Of the 33 states that responded to this question, 18 states indicated that their authority was established under a Statute or Legislative authority; 8 states administer under existing authority. 1 state provided an alternative to the answers provided in the survey, with response shown on the attached detail for this question..

3. If you answered Yes to number 1, please check all the purposes for which the public is allowed access to fingerprint-based criminal record check services, and the corresponding fee(s) per check.

There were 24 state responses received to this item.

The survey provided six possible responses to this question, as well as a section headed “Other” into which responders could provide an alternative not presented on the survey form:

General Public: 19 states provide access to the general public. Of those, 13 via LiveScan, with an average fee of \$24.54. 18 states accept fingerprint card requests with an average fee of \$ 24.95 No states reported that they do not charge a fee for fingerprint based checks to the General Public.

Volunteers: 11 states responded that LiveScan is used for volunteers, with an average fee of \$20.72; 14 states accept fingerprint cards with an average fee charged of \$ 20.36. Two states charge no fee.

Housing: 10 states use LiveScan for Housing checks with an average fee of \$ 21.60. 13 use fingerprint cards with an average fee of \$ 20.08. No states reported not charging a fee.

All Employment: 10 states use LiveScan for Employment checks, with fees averaging 21.40. 13 use fingerprint cards with an average fee of \$20.54. No states reported not charging a fee.

Designated Employment: 10 states use LiveScan for Designated Employment checks, with fees averaging \$23.54. 14 states use fingerprint cards with average fee of \$21.64. One state charges no fee.

Licensing: 11 states use LiveScan, with average fee of \$22.36. 13 states use fingerprint cards, charging an average \$22.00 fee. No states reported not charging a fee.

Other: 14 provide checks for purposes not listed on the survey, averaging \$27.46 per request. One state charges no fee for their “other” checks. Further information for those other purposes can be found in the attached details from responses received.

4. Members of the public requesting fingerprint-based state only criminal record background checks through our repository are provided with the following:

Responders were provided a six choices for their answers. Of those six, three fell under the heading “Specified Offenses Designated by Statute;” individual statutes quoted for these choices may be found in the detailed attachment.

Of the 23 states that responded to this question, 17 reported that they provide everything on record (adult only). 6 reported providing convictions and pending prosecutions. 3 provide convictions only. Of the three choices offered under the “Specified Offenses” heading, 2 states provide responses limited to felonies; 1 stated responses are limited by age of the offense; 3 states provided “other” responses that did not fall under the categories provided. These “other” responses, as well as statutes quoted are provided in the attached detail for this question.

5. The state-record-only response to a public request for a fingerprint-based check is provided to:

Three possible responses were provided in the survey: Only to the person/entity requesting; only to the subject of the check; to both the requestor and subject of the check. An additional area was provided for responders to add additional recipients not included in the three choices provided in the survey. A list of those additional recipients listed by states is included in the details attached.

Of the 26 states that responded to this question, 18 states send information only to the person/entity that requested the check; 2 states provide a response only to the subject of the check; 2 states provide information to both the requestor and the subject. Five states indicated that their responses fell within categories that were not listed on the survey: those responses can be located in the survey detail attached to this summary.

DETAILS
FROM
STATE
RESPONSES

**STATE CRIMINAL HISTORY RECORD
INFORMATION AVAILABILITY SURVEY
March 2006**

SECTION A: NAME-BASED CHECKS

1. Name-based criminal record background checks of state only records are available to the public in my state.

STATE	YES	NO
Alabama *		
Alaska	x	
Arizona		x
Arkansas	x	
California		x ¹
Colorado	x	
Connecticut	x	
Delaware		x
District of Columbia *		
Florida	x	
Georgia	x	
Hawaii	x	
Idaho *		
Illinois *		
Indiana *		
Iowa *		
Kansas	x	
Kentucky *		
Louisiana *		
Maine *		
Maryland *		
Massachusetts	x	
Michigan	x	
Minnesota	x	
Mississippi *		
Missouri	x	
Montana *		
Nebraska	x	
Nevada	x	
New Hampshire	x	
New Jersey *		
New Mexico	x	
New York	x	
North Carolina		x
North Dakota	x	
Ohio		x
Oklahoma	x	
Oregon *		
Pennsylvania *		
Puerto Rico		x
Rhode Island		x
South Carolina	x	
South Dakota *		
STATE	YES	NO
Tennessee	x	

Those responding "NO" were allowed to skip to section B, "Fingerprint-based Checks."

Those responding "NO" were allowed to skip to section B, "Fingerprint-based Checks."

¹ Except for Megan's Law for registered sex offenders

Texas	x ²	
Utah *		
Vermont *		
Virgin Islands *		
Virginia	x ³	
Washington	x	
West Virginia		x
Wisconsin	x	
Wyoming		x

* No response to survey received as of 4/17/06.

² Pertaining to conviction and “deferred adjudication” data only

³ Non-Criminal Justice Interface Program (NCJI): Agency must be a Virginia based company, have a PC with access to the internet, and enter into an agreement with the State Police to be a participant. All inquiries conducted today will be processed within 24 hours of entry. All individuals that have convictions, the results must be mailed to that agency. The public cannot access this website.

	Repository			Statewide Court			Walk-In		Mail		Telephone		Kiosk		Other	
	Website	Fee \$	No Fee	Website	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee
ID																
url:																
IL																
url:																
IN																
url:																
IA																
url:																
KS	X	17.50							20.00							Batch file
url:	http://www.accesskansas.org/kbi/criminalhistory/															5.00
LA																
url:																
ME																
url:																
MD																
url:																
MA	X	15.00							15.00							
url:	http://mass.gov															
MI	X	10.00														
url:	https://apps.michigan.gov/ICHAT/Home.aspx															
MN	X		X						4							
url:	http://Cch.state.mn.us/common/BCAHome.aspx															
MS																
url:																

⁴Fee Structure: \$15 for a name/DOB based check for which the subject consents to the check; \$8 for the subject of the data or a charitable non-profit that has the subject's consent; and no fee to view the public record or for the subject to view his/her complete record.

	Repository			Statewide Court			Walk-In		Mail		Telephone		Kiosk		Other		
	Website	Fee \$	No Fee	Website	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	
MO				X	5.00		5.00		5.00								
url:				http://www.courts.mo.gov Search Case Net													
MT																	
url:																	
NE							10.00		10.00							Fax	
url:																10.00	
NV									20.00							VPN	
url:																20.00	
NH							15.00		15.00								
url:																	
NJ																	
url:																	
NM	X	10.00		X		X	7.00		7.00								
url:	not provided			http://www.nmcourts.com													
NY				X	52.00												
url:				http://www.courts.state.ny.us/6jd/countymaps/otsego/city/searches&dipos.html#criminalrecordsearch													
NC																	
url:																	
ND							15.00		15.00								
url:																	
OH																N/A. Skip to Section B	
url:																	
OK				X	5		15.00		15.00		15.00					Fax, billing account	
url:																15.00	

⁵Fee not specified for Statewide Court Website.

	Repository			Statewide Court			Walk-In		Mail		Telephone		Kiosk		Other	
	Website	Fee \$	No Fee	Website	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee
VA		6					7									
url:	http://www.vsp.state.va.us/CJIS_NCJI.shtm															
WA	X	10.00					35.00		35.00	X ⁸						
url:	https://watch.wsp.wa.gov/															
WV																N/A. Skip to Section B
url:																
WI	X	9		X	10		11									
url:	http://wi-recordcheck.org http://wcca.wicourts.gov															
WY																N/A. Skip to Section B
url:																

⁶Criminal name search \$15.00; Sex Offender name search \$15.00; Criminal and Sex Offender name search \$20.00

⁷Individuals may leave a request form, present proper identification as required by State Police, and FSP will mail the results to the requestor. Fees: Criminal name search \$15.00; Sex Offender name search \$15.00; Criminal and Sex Offender name search \$20.00

⁸No fee for mailed request from Non-Profit

⁹The fee for name-based checks in Wisconsin is based on type of requestor. For Web-based checks: non-profit (\$2), Governmental entities (\$5), All others (\$13). Requests received by mail or in person are assessed an additional \$5 surcharge each.

¹⁰The fee for name-based checks in Wisconsin is based on type of requestor. For Walk-in requests: non-profit (\$7), Governmental entities (\$10), All others (\$18)

¹¹The fee for name-based checks in Wisconsin is based on type of requestor. For Mailed-in requests: non-profit (\$7), Governmental entities (\$10), All others (\$18)

3. If your state maintains a publicly accessible repository website that provides name based criminal record background checks, under what authority was the website established?

State	Statute / Legislative	Citation	Admin. Under existing authority	Citation	Other
Alabama					
Alaska					No response received to this item
Arizona					No response received to this item
Arkansas	x	Arkansas Code Annotated §12-12-1500			
California					
Colorado	x	24-72-306	x	24-72-306	
Connecticut					No response received to this item
Delaware					
District of Columbia					
Florida			x	Ch. 119, F.S. & 943.053, F.S.	
Georgia					No response received to this item
Hawaii			x	Chapter 846-9, Hawaii Revised Statutes ¹²	
Idaho					
Illinois					
Indiana					
Iowa					
Kansas	x	Kansas Statutes Annotated 74-9301, et. Seq.			
Kentucky					
Louisiana					
Maine					
Maryland					
Massachusetts	x	M.GL. Chapter 6 section 172			
Michigan			x	1976 PA 442	
Minnesota	x	Statutes §13.87 subdivision 3			
Mississippi					
Missouri					No response received to this item
Montana					
Nebraska					No response received to this item
Nevada					No response received to this item
New Hampshire					No response received to this item
New Jersey					
New Mexico					No response received to this item

¹² Allows the dissemination of conviction information to the public

State	Statute / Legislative	Citation	Admin. Under existing authority	Citation	Other
New York					Administered by Office of Court Administrator
North Carolina					
North Dakota					No response received to this item
Ohio					
Oklahoma					No response received to this item
Oregon					
Pennsylvania					
Puerto Rico					
Rhode Island					
South Carolina			x	Chapter 73: Section 23 State Regulations	
South Dakota					
Tennessee	x	Tennessee Code Annotated 38-6-120			
Texas	x	Texas Government Code, Ch. 411.135 "Access to certain information by the public"			
Utah					
Vermont					
Virgin Islands					
Virginia					No response received to this item
Washington	x	Revised Code of Washington (RCW) 10.97.3050	X	RCW 10.97.050 and RCW 43.4.830-845	
West Virginia					
Wisconsin			x	165.82(1)	
Wyoming					

4. Under what circumstances is consent required from the individual on whom the name-based check is made?

State	Never	Always	To Receive Mis- demeanor Info	Felony convictions Available w/o consent	Both Felony & Misde- meanor Information	Other
Alabama						
Alaska		x				
Arizona						
Arkansas		x				
California						
Colorado	x				x	
Connecticut	x ¹³					
Delaware						
District of Columbia						
Florida	x					
Georgia			x	x		
Hawaii	x					
Idaho						
Illinois						
Indiana						
Iowa						
Kansas	x					
Kentucky						
Louisiana						
Maine						
Maryland						
Massachusetts		x				
Michigan	x					
Minnesota	x ¹⁴	x ¹⁵	x ¹⁶	x ¹⁷	x ¹⁸	
Mississippi						
Missouri	x					
Montana						
Nebraska	x					
Nevada		x				
New Hampshire		x			x	Also violations of criminal code
New Jersey						

¹³ Conviction records in Connecticut are open records.

¹⁴ For public record.

¹⁵ For complete record, including private information.

¹⁶ When the information is no longer public.

¹⁷ When they are still public-the subject was discharged less than 15 years prior.

¹⁸ When the information is no longer public, or more than 15 years have elapsed since the subject was discharged.

State	Never	Always	To Receive Mis- demeanor Info	Felony convictions Available w/o consent	Both Felony & Misde- meanor Information	Other
New Mexico		x		x		
New York						No response received to this item
North Carolina						
North Dakota	x ¹⁹					
Ohio						
Oklahoma	x					
Oregon						
Pennsylvania						
Puerto Rico						
Rhode Island						
South Carolina	x					
South Dakota						
Tennessee	x					
Texas	x					
Utah						
Vermont						
Virgin Islands						
Virginia		x ²⁰				Certain entities listed in 19.2-389 of the Code of Virginia, are entitled to obtain criminal history name search inquiries without notarization by having the applicant complete a Criminal History Name Search Form, with proper payment.
Washington		x ²¹				
West Virginia						
Wisconsin	x					
Wyoming						

¹⁹ Although consent is not required, state law requires that we notify the record subject of record dissemination if an authorization is not received with the request (NDCC 12-60-16.8)

²⁰ Pursuant to 19.2-389 of the Code of Virginia

²¹ With the exception of Non-Profits checks, which require consent

5. If consent is required, in what form is it given?

State	Written	Verbal	Part of Employment Application	Other
Alabama				
Alaska	x			
Arizona				
Arkansas	x			
California				
Colorado				Consent not required
Connecticut				Consent not required
Delaware				
District of Columbia				
Florida				Consent not required
Georgia	x			
Hawaii				Consent not required
Idaho				
Illinois				
Indiana				
Iowa				
Kansas				Consent not required
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts	x			
Michigan				Consent not required
Minnesota	x		x ²²	
Mississippi				
Missouri				Consent not required
Montana				
Nebraska				Consent not required for name-based check
Nevada	x			
New Hampshire	x			Completion of request form & notarized / JP'ed
New Jersey				
New Mexico	x			Completion of Authorization for Release of Information Form
New York				No response received to this item
North Carolina				
North Dakota				Consent not required
Ohio				
Oklahoma				Consent not required for name-based check

²² Specific language authorizing release of criminal history information must be present.

State	Written	Verbal	Part of Employment Application	Other
Oregon				
Pennsylvania				
Puerto Rico				
Rhode Island				
South Carolina				Consent not required
South Dakota				
Tennessee				Consent not required
Texas				
Utah				
Vermont				
Virgin Islands				
Virginia	x ²³			
Washington	x ²⁴			
West Virginia				
Wisconsin				Consent not required
Wyoming				

²³ Written: VSP form, Criminal History and Sex Offender Name Search, has two affidavits. If the results of the name search are going back to the person named in record, then the top affidavit must be notarized. If a second party is requesting the record, the bottom affidavit must be notarized by the person receiving the results of the name search. There is a \$15.00 fee assessed for each request.

²⁴ For Non-Profit name/DOB based checks

6. Please indicate how those public entities that are eligible to request name-based checks of state-only CHRI, and the corresponding fee charged per check:

State	General Public		Volunteers		Housing		All Employment		Designated Employment		Licensing		Other			Other		
	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Fee \$	No Fee	Desc.	Fee \$	No Fee	Desc.	Fee \$	No Fee
Alabama																		
Alaska	20.00		20.00	x ²⁵	20.00		20.00		20.00		20.00							
Arizona																		
Arkansas	23.00		10 - 11.00		20.00		20 - 23.00		20.00		20.00							
California																		
Colorado	13.00																	
Connecticut ²⁶	25.00		18.00		25.00		25.00		25.00		25.00							
Delaware																		
District of Columbia																		
Florida	23.00		23.00		23.00		23.00		23.00		23.00							
Georgia ²⁷													See Footnote below					
Hawaii	10-15.00		10-15.00		10-15.00		10-15.00		15.00	x ²⁸	15.00							
Idaho																		
Illinois																		
Indiana																		
Iowa																		
Kansas	17.50		17.50		17.50		17.50		12.50		17.50		Child-care License		x	Statutory Req' ments	17.50	
Kentucky																		
Louisiana																		
Maine																		
Maryland																		
Massachusetts									15.00		15.00							
Michigan	10.00		10.00	x ²⁹	10.00		10.00	x ³⁰	10.00	x ³¹	10.00							

²⁵ No-Fee pilot project is currently underway in Fairbanks.

²⁶ Fees for Name and DOB background checks from governmental agencies are waived.

²⁷ All are eligible for name-based checks with consent through local law enforcement, and fees charged by agencies vary.

²⁸ No fee for vulnerable populations under 92-544 laws authorized

²⁹ No fee for non-profit agencies

³⁰ No fee for government agencies

³¹ No fee for non-profit or government agencies

State	General Public	Volunteers	Housing	All Employment	Designated Employment	Licensing	Other	Other
Minnesota ³²								
Mississippi								
Missouri	5.00	5.00	5.00	5.00	5.00	5.00		
Montana								
Nebraska	10.00	10.00	10.00	10.00	10.00	10.00		
Nevada					20.00	20.00		
New Hampshire	15.00	7.50	15.00	15.00	15/7.50	15.00		
New Jersey								
New Mexico	7.00	7.00	7.00	7.00	7.00	7.00		
New York	52.00	52.00	52.00	52.00	52.00	52.00		
North Carolina								
North Dakota	15.00							
Ohio								
Oklahoma	15.00	15.00	15.00	15.00	15.00		15.00 ³³	
Oregon								
Pennsylvania								
Puerto Rico								
Rhode Island								
South Carolina	25.00	18.00	8.00	25.00	25.00 ³⁴	25.00	Non-profit	8.00
South Dakota								
Tennessee	29.00							
Texas	3.07/ 10.00							
Utah								
Vermont								
Virgin Islands								
Virginia	³⁵	³⁶	³⁷	³⁸	³⁹	⁴⁰		

³² Fee Structure: \$15 for a name/DOB based check for which the subject consents to the check; \$8 for the subject of the data or a charitable non-profit that has the subject's consent; and no fee to view the public record or for the subject to view his/her complete record.

³³ Oklahoma is an open record state – any purpose.

³⁴ Daycare: \$24.00

³⁵ \$15 (Criminal Name Search); \$15.00 (Sex Offender Name Search); \$20.00 combined Criminal and SOR Name Search)

³⁶ \$8 (Criminal Name Search); \$8.00 (Sex Offender Name Search); \$16.00 combined Criminal and SOR Name Search)

³⁷ \$15 (Criminal Name Search); \$15.00 (Sex Offender Name Search); \$20.00 combined Criminal and SOR Name Search)

³⁸ \$15 (Criminal Name Search); \$15.00 (Sex Offender Name Search); \$20.00 combined Criminal and SOR Name Search)

³⁹ \$15 (Criminal Name Search); \$15.00 (Sex Offender Name Search); \$20.00 combined Criminal and SOR Name Search). Public & private schools obtain fingerprint based search for fee of \$37.00.

⁴⁰ \$15 (Criminal Name Search); \$15.00 (Sex Offender Name Search); \$20.00 combined Criminal and SOR Name Search)

State	General Public		Volunteers		Housing		All Employment		Designated Employment		Licensing		Other			
Washington	⁴¹		⁴²	x ⁴³	10.00		⁴⁴		⁴⁵		⁴⁶					
West Virginia																
Wisconsin	⁴⁷		⁴⁸		⁴⁹		⁵⁰		⁵¹		⁵²					
Wyoming																

⁴¹ Electronic Request \$10.00; Paper request \$35.00

⁴² Electronic Request \$10.00; Paper request \$35.00

⁴³ Non-Profit volunteers

⁴⁴ Electronic Request \$10.00; Paper request \$35.00

⁴⁵ Electronic Request \$10.00; Paper request \$35.00

⁴⁶ Electronic Request \$10.00; Paper request \$35.00

⁴⁷ The fee for name-based checks in Wisconsin is based on the type of requestor. For web-based requests: Non-profit(\$2), Governmental entities (\$5), all others (\$13). Requests submitted by mail or in person are assessed an additional \$5 surcharge per request.

⁴⁸ The fee for name-based checks in Wisconsin is based on the type of requestor. For web-based requests: Non-profit(\$2), Governmental entities (\$5), all others (\$13). Requests submitted by mail or in person are assessed an additional \$5 surcharge per request.

⁴⁹ The fee for name-based checks in Wisconsin is based on the type of requestor. For web-based requests: Non-profit(\$2), Governmental entities (\$5), all others (\$13). Requests submitted by mail or in person are assessed an additional \$5 surcharge per request.

⁵⁰ The fee for name-based checks in Wisconsin is based on the type of requestor. For web-based requests: Non-profit(\$2), Governmental entities (\$5), all others (\$13). Requests submitted by mail or in person are assessed an additional \$5 surcharge per request.

⁵¹ The fee for name-based checks in Wisconsin is based on the type of requestor. For web-based requests: Non-profit(\$2), Governmental entities (\$5), all others (\$13). Requests submitted by mail or in person are assessed an additional \$5 surcharge per request.

⁵² The fee for name-based checks in Wisconsin is based on the type of requestor. For web-based requests: Non-profit(\$2), Governmental entities (\$5), all others (\$13). Requests submitted by mail or in person are assessed an additional \$5 surcharge per request.

7. Persons or entities requesting name-based criminal record background checks through our repository are provided with the following:

State	Everything on Record (Adult Only)	Convictions & Pending Prosecutions	Convictions Only	Specified Offenses Designated by Statute			Statute
				Limited to Felonies	Limited by age of Offense	Other limitation (Describe)	
Alabama							
Alaska	x	x				x ⁵³	
Arizona							
Arkansas						x	54
California							
Colorado	x ⁵⁵						
Connecticut		x					
Delaware							
District of Columbia							
Florida	x ⁵⁶						
Georgia	x ⁵⁷						
Hawaii		x					
Idaho							
Illinois							
Indiana							
Iowa							
Kansas		x				x	58
Kentucky							
Louisiana							
Maine							
Maryland							

⁵³ Requests for other than the record subject must be mailed in, using a form provided by the repository.

⁵⁴ ACA §12-12-1009 for mail-in or walk –in checks only: Arkansas felony and misdemeanor conviction information is released. ACA §12-12-1502 and -1503 for online requests only: Arkansas felony and misdemeanor convictions, pending felony arrest(s) (subject has been arrested but not yet convicted), and whether the person is a registered sex offender or required to register as a sex offender (all levels one through four). ACA §12-12-1001 and following: juvenile information is never released for non-criminal justice purposes.

⁵⁵ Everything on record, with the exception of sealed, expunged and juvenile records. The SID, FBI and ORI numbers are also eliminated from the public disseminated record.

⁵⁶ Except sealed or expunged. FBI number and national status are also not included.

⁵⁷ Except sealed records, and only if written consent is provided. Name based checks are conducted against the state repository database via local law enforcement.

⁵⁸ There are a number of statutes, each defining specific categories of data released (adult/juvenile, convictions/non-convictions, expunged)

State	Everything on Record (Adult Only)	Convictions & Pending Prosecutions	Convictions Only	Specified Offenses Designated by Statute			Statute
				Limited to Felonies	Limited by age of Offense	Other limitation (Describe)	
Massachusetts		x				x ⁵⁹	M.G.L. Chapter 6 sections 172C, D, and E which mandate the entire record
Michigan	x ⁶⁰						
Minnesota	x ⁶¹	x ⁶²	x ⁶³				
Mississippi							
Missouri		x ⁶⁴					
Montana							
Nebraska		x ⁶⁵					
Nevada			x				
New Hampshire			x				
New Jersey							
New Mexico	x					x	Limited to fingerprint supported arrest record information
New York		x					
North Carolina							
North Dakota		x		x			NDCC 12-60-16.6
Ohio							
Oklahoma	x						
Oregon							
Pennsylvania							
Puerto Rico							
Rhode Island							
South Carolina	x ⁶⁶						
South Dakota							

⁵⁹ M.G.L. Chapter 6, sections 172D, D and E mandate the entire record

⁶⁰ Except for non-public or suppressed records

⁶¹ In the case of a general informed consent.

⁶² In the case of statutorily mandated checks.

⁶³ Public record: convictions in which less than 15 years have elapsed since discharge.

⁶⁴ Open Record definition: arrest records for 30 days following arrest unless charges are not sought, arrest records for which charges have been filed, court disposition of guilty, suspended imposition of sentence during probationary period.

⁶⁵ Arrests in which dispositions are annotated & pending prosecutions if arrest is under one year from date of request.

⁶⁶ Exceptions: juvenile & sealed information

State	Everything on Record (Adult Only)	Convictions & Pending Prosecutions	Convictions Only	Specified Offenses Designated by Statute			Statute
				Limited to Felonies	Limited by age of Offense	Other limitation (Describe)	
Tennessee		x					
Texas			x ⁶⁷				
Utah							
Vermont							
Virgin Islands							
Virginia	x ⁶⁸		x				
Washington		x				⁶⁹	Child and Adult Abuse Act (Crimes against Persons-CAP)RCW 43.43.830-845
West Virginia							
Wisconsin	x						
Wyoming							

⁶⁷ And deferred adjudications

⁶⁸ If an individual requests a complete criminal record – must submit a fingerprint card along with the completed VSP criminal history name search form.

⁶⁹ All convictions and specific offenses pending prosecution under one year

SECTION B: FINGERPRINT-BASED CHECKS

1. Fingerprint-based criminal record background checks, outside of Public Law 92-544 authority, and which provide *state-record-only responses* are available to the public in my state.

STATE	YES	NO
Alabama		
Alaska	x	
Arizona	x	
Arkansas		x
California	x	
Colorado	x	
Connecticut		x
Delaware	x	
District of Columbia		
Florida	x	
Georgia	x	
Hawaii	x	
Idaho		
Illinois		
Indiana		
Iowa		
Kansas	x	
Kentucky		
Louisiana		
Maine		
Maryland		
Massachusetts		x
Michigan	x	
Minnesota		x ⁷⁰
Mississippi		
Missouri	x	
Montana		
Nebraska		x
Nevada	x	
New Hampshire		x
New Jersey		
New Mexico	x	

⁷⁰ We do not have the technical ability or resources to do strictly fingerprint based searches. However, when a subject appears in person and requests a background check by name and date of birth, and match is found, we do a fingerprint verification before disseminating the record. In addition, we are in the process of doing a study in which we are using a two-finger flat print capture device to capture the fingerprints on the two index fingers, and searching against our database.

STATE	YES	NO
New York	x ⁷¹	
North Carolina	x ⁷²	
North Dakota	x	
Ohio	x	
Oklahoma	x	
Oregon		
Pennsylvania		
Puerto Rico		x
Rhode Island		x
South Carolina		x
South Dakota		
Tennessee	x	
Texas	x	
Utah		
Vermont		
Virgin Islands		
Virginia	x	
Washington	x	
West Virginia	x	
Wisconsin	x ⁷³	
Wyoming	x	

⁷¹ Personal record review only

⁷² North Carolina is a closed record state – criminal history records are only available for licensing and employment purposes if there is a North Carolina General Statute, federal mandate or ordinance.

⁷³ State law authorizes fingerprint checks for governmental and non-profit organizations only

2. If you answered Yes to number 1, under what authority does your state allow members of the public to request fingerprint-based criminal record background checks of state-only records?

State	Statute / Legislative	Citation	Admin. Under existing authority	Citation	Other
Alabama					
Alaska	x	AS 12.62			
Arizona	x	ARS 41-1750.G.4.			
Arkansas ⁷⁴					
California	x	PC 11120-11127			
Colorado	x	24-72-306	x	24-72-306	
Connecticut ⁷⁵					
Delaware	x	Title 11 Chapter 85			
District of Columbia					
Florida			x	CH 119, FS; 943.053, FS	
Georgia	x	OCGA 35-3-34 and OCGA 35-3-35			
Hawaii			x	Chapter 846-9, Hawaii Revised Statutes ⁷⁶	
Idaho					
Illinois					
Indiana					
Iowa					
Kansas			x	Kansas Administrative Regulation 10-12-1	
Kentucky					
Louisiana					
Maine					
Maryland					
Massachusetts ⁷⁷					
Michigan			x	1976 PA 442	
Minnesota ⁷⁸					
Mississippi					

⁷⁴ Not Available

⁷⁵ Not Available

⁷⁶ Allows the dissemination of conviction information to the public

⁷⁷ Not Available

⁷⁸ Not Available

State	Statute / Legislative	Citation	Admin. Under existing authority	Citation	Other
Missouri	x	Sections 43.540 – 43.543, RSMO. Section 621.045, RSMO			
Montana					
Nebraska ⁷⁹					
Nevada	x	Nevada Revised Statute (NRS) 179A.100; 179A.210; 239B;449.	x	NRS179A.150	
New Hampshire ⁸⁰					
New Jersey					
New Mexico	x	NMSA 29-10-6a allows an individual “or their authorized agent” to request a criminal history background check.			
New York	x	9NYCRR 6050.1 Personal Record Review			
North Carolina			x	North Carolina Administrative Code 12 NCAC 4F .0404	
North Dakota	x	NDCC 12-60-16.6			
Ohio	x	Section 109.57 & 109.572 of Ohio Revised Code			
Oklahoma	x	Title 74 150.9			
Oregon					
Pennsylvania					
Puerto Rico ⁸¹					
Rhode Island ⁸²					
South Carolina ⁸³					
South Dakota					
Tennessee	x	TCA 68-11-233; 68-11-234; 71-3-507; 71-3-508; 62-35-119; 8-8-108			

⁷⁹ Not Available

⁸⁰ Not Available

⁸¹ Not Available

⁸² Not Available

⁸³ Not Available

State	Statute / Legislative	Citation	Admin. Under existing authority	Citation	Other
Texas	x ⁸⁴	Texas Government Code, Chapter 552.023 “ special Right of Access to Confidential Information”			
Utah					
Vermont					
Virgin Islands					
Virginia	x	19.2-389 Code of Virginia			
Washington	x	Chapters 10.97 and 43.43 RCW			
West Virginia	x	Code §15-2-24(d)			
Wisconsin			x	165.82(1)(ar)	
Wyoming					Voluntary record check provision under W.S. 7-19-106(k)

⁸⁴ This access is only with the consent of the person. As such, our Public Information Act provides a person a “special right of access” to certain governmental records regarding themselves, including criminal history. It can be requested by them for any purpose, and used by them in any manner. We will mail it to a third party upon fingerprint request of the individual.

3. If you answered Yes to number 1, please check all the purposes for which the public is allowed access to fingerprint-based criminal record check services, and the corresponding fee(s) per check.

State	General Public			Volunteers			Housing			All Employment			Designated Employment			Licensing			Other		
	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee
Alabama																					
Alaska		35.00			35.00			35.00			35.00			35.00			35.00				
Arizona					5.00			5.00			5.00			5.00							
Arkansas ⁸⁶																					
California																					25.00 ⁸⁷
Colorado		13.00																			
Connecticut ⁸⁸																					
Delaware	30.00			18.00			30.00			30.00			30.00			30.00					
Dist. of Columbia																					
Florida		23.00			23.00			23.00			23.00			23.00			23.00				
Georgia	15.00	15.00		15.00	15.00		15.00	15.00		15.00	15.00					15.00	15.00				
Hawaii	25.00	25.00		25.00	25.00	x ⁸⁹	25.00	25.00		25.00	2500		25.00	25.00	x ⁹⁰	25.00	25.00				
Idaho																					
Illinois																					
Indiana																					
Iowa																					
Kansas	30.00	30.00		30.00	30.00		30.00	30.00		30.00	30.00		20.00	20.00		30.00	30.00		30.00	30.00 ⁹¹	
Kentucky																					
Louisiana																					
Maine																					
Maryland																					
Massachusetts ⁹²																					
Michigan		30.00																			
Minnesota ⁹³																					
Mississippi																					
Missouri ⁹⁴	12.95	14.00		12.95	14.00		12.95	14.00		12.95	14.00		12.95	14.00		12.95	14.00				

⁸⁵ In AZ, “public” does not perform licensing functions. Only authorized governmental entities issue licenses in Arizona.

⁸⁶ Not Available

⁸⁷ Any person to review his or her own criminal record, unless indigence is demonstrated.

⁸⁸ Not Available

⁸⁹ Volunteers for a non-profit organization working with children are not charged.

⁹⁰ For vulnerable population under 92-544 laws authorized in Hawaii

⁹¹ Other statutory requirements

⁹² Not Available

⁹³ Not Available

⁹⁴ State has contracted with a private vendor for LiveScan services

Montana																						
State	General Public			Volunteers			Housing			All Employment			Designated Employment			Licensing			Other			
	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	
Nebraska ⁹⁵																						
Nevada	21.00	21.00		21.00	21.00		21.00	21.00		21.00	21.00		21.00	21.00		21.00	21.00					
New Hampshire ⁹⁶																						
New Jersey																						
New Mexico																						⁹⁷
New York ⁹⁸	75.00	75.00																				75.00 ⁹⁹
North Carolina																						14 ¹⁰⁰ , ¹⁰¹ x ¹⁰²
North Dakota		15.00																				
Ohio	15.00	15.00		15.00	15.00		15.00	15.00		15.00	15.00		15.00	15.00		15.00	15.00		15.00 ¹⁰³			
Oklahoma		19.00			19.00			19.00			19.00			19.00			19.00					19.00 ¹⁰⁴
Oregon																						
Pennsylvania																						
Puerto Rico ¹⁰⁵																						
Rhode Island ¹⁰⁶																						
South Carolina ¹⁰⁷																						
South Dakota																						
Tennessee				26.00	18.00		32.00	24.00					32.00	24.00		32.00	24.00		32.00 ¹⁰⁸	24.00		
Texas ¹⁰⁹	15.00	15.00																				
Utah																						
Vermont																						
Virgin Islands																						

⁹⁵ Not Available

⁹⁶ Not Available

⁹⁷ All purposes with the permission of the individual or statutory authority based on a name check = \$7.00

⁹⁸ For personal record review only

⁹⁹ Submissions must come from an authorized agency, and responses are returned to authorized agency.

¹⁰⁰ International adoptions

¹⁰¹ Right to review own criminal record

¹⁰² Prisoners housed in Correctional Facilities receive the Right to Review for free

¹⁰³ Immigration purposes and Law Enforcement employment

¹⁰⁴ Anyone may bring in a fingerprint card for any reason and get a state search.

¹⁰⁵ Not Available

¹⁰⁶ Not Available

¹⁰⁷ Not Available

¹⁰⁸ International adoption

¹⁰⁹ This item is answered as it pertains to the fingerprint checks authorized by the person themselves, under the Public Information Act (Ch. 552, Texas Governmental Code). If the question pertain sto other statutory access to CHRI by fingerprints, then Texas Government Code, CH. 411, Subchapter F controls. As above, it provides access to governmental and private entities for a long list of purposes. Of course, jost of those statutes are the basis for our PLO92-544 access at FBI. The fee for fingerprints searches of any kind is \$15.00

State	General Public			Volunteers			Housing			All Employment			Designated Employment			Licensing			Other		
	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee	Live-Scan	Card	No Fee
Virginia	15.00	15.00		15.00	15.00		15.00	15.00		15.00	15.00		37.00 ¹¹⁰	37.00		15.00	15.00		15.00 ¹¹¹ , 112	37.00	
Washington	30.00	30.00		30.00	30.00	x ¹¹³				30.00	30.00		30.00	30.00		30.00	30.00		30.00 ¹¹⁴	30.00	
West Virginia	20.00	20.00		20.00	20.00		20.00	20.00		20.00	20.00		20.00	20.00		20.00	20.00				
Wisconsin														15.00							
Wyoming	15.00	15.00																			

¹¹⁰ School volunteer cost: \$16.00 for both livescan and card

¹¹¹ Entities entitled pursuant to Section 19.2-392.02 Child Protection Act. Volunteer fingerprint card \$26.00

¹¹² Applicants for the Public Schools, Department of Mental Health, Mental Retardation, Substance Abuse and Department of Community Services Board obtain fingerprint-based searches: Livescan \$15.00, Card \$37.00

¹¹³ For Non-Profit organizations

¹¹⁴ Personal ID is \$30.00 for both Livescan and card

4. Members of the public requesting fingerprint-based state-only criminal record background checks through our repository are provided with the following.

State	Everything on Record (Adult Only)	Convictions & Pending Prosecutions	Convictions Only	Specified Offenses Designated by Statute			Statute
				Limited to Felonies	Limited by age of Offense	Other limitation (Describe)	
Alabama							
Alaska	x	x		x ¹¹⁵	x	x	
Arizona	x						
Arkansas ¹¹⁶							
California	x						
Colorado	x ¹¹⁷					x ¹¹⁸	
Connecticut ¹¹⁹							
Delaware	x	x	x				
Dist of Columbia							
Florida	x ¹²⁰						
Georgia	x ¹²¹						
Hawaii			x				
Idaho							
Illinois							
Indiana							
Iowa							
Kansas		x				x ¹²²	
Kentucky							
Louisiana							
Maine							
Maryland							
Massachusetts ¹²³							

¹¹⁵ Various statutes designate specific offenses in Alaska.

¹¹⁶ Not Available

¹¹⁷ Everything on record, with the exception of sealed, expunged and juvenile records. The SID, FBI and ORI numbers are also eliminated from the public disseminated record.

¹¹⁸ With the exception to sealed, expunged and juvenile records. The SID, FBI and ORI numbers are also eliminated from the public disseminated record.

¹¹⁹ Not Available

¹²⁰ Except sealed or expunged. FBI number and national status also not included.

¹²¹ Except sealed records

¹²² Various statutes define various categories of release

¹²³ Not Available

State	Everything on Record (Adult Only)	Convictions & Pending Prosecutions	Convictions Only	Specified Offenses Designated by Statute			Statute
				Limited to Felonies	Limited by age of Offense	Other limitation (Describe)	
Michigan	x ¹²⁴						
Minnesota ¹²⁵							
Mississippi							
Missouri	x ¹²⁶						
Montana							
Nebraska ¹²⁷							
Nevada			x				
New Hampshire ¹²⁸							
New Jersey							
New Mexico	x ¹²⁹						
New York ¹³⁰							
North Carolina ¹³¹							
North Dakota		x		x			NDCC 12-60-16.6
Ohio	x						
Oklahoma	x						
Oregon							
Pennsylvania							
Puerto Rico ¹³²							
Rhode Island ¹³³							
South Carolina ¹³⁴							
South Dakota							

¹²⁴ Except for non-public or suppressed records

¹²⁵ Not Available

¹²⁶ Both open and closed record information. Open Record definition: arrest records for 30 days following arrest unless charges are not sought, arrest records for which charges have been filed, court disposition of guilty, suspended imposition of sentence during probationary period. Closed Record definition: Arrest record after 30 days following an arrest with no charges filed, nolle prossed, dismissed, found not guilty, and suspended imposition of sentence after probation is completed.

¹²⁷ Not available

¹²⁸ Not available

¹²⁹ Limited to fingerprint supported arrest record information

¹³⁰ No response received to this item

¹³¹ Everything on record is given except Juvenile records, VGTOF records and Concealed Handgun permit records.

¹³² Not Available

¹³³ Not Available

¹³⁴ Not Available

State	Everything on Record (Adult Only)	Convictions & Pending Prosecutions	Convictions Only	Specified Offenses Designated by Statute			Statute
				Limited to Felonies	Limited by age of Offense	Other limitation (Describe)	
Tennessee		x					
Texas	x ¹³⁵						
Utah							
Vermont							
Virgin Islands							
Virginia	x						
Washington		x ¹³⁶					
West Virginia	x ¹³⁷						
Wisconsin	x						
Wyoming	x						

¹³⁵ Only with the consent of the person

¹³⁶ Under one year

¹³⁷ 12-2-24(d) states: The criminal identification bureau may furnish, with the approval of the superintendent, fingerprints, photographs, records or other information to any private or public agency, person, firm, association, corporation or other organization, other than a law-enforcement or governmental agency as to which the provisions of subsection (c) of this section shall govern and control, but all requests under the provisions of this subsection (d) for such fingerprints, photographs, records or other information must be accompanied by a written authorization signed and acknowledged by the person whose fingerprints, photographs, records or other information is to be released.

5. The state-record-only response to a public request for a fingerprint-based check is provided to:

State	Only to person/ entity requesting	Only to the subject of the check	Both the requestor & subject Of the check	Other (describe)
Alabama				
Alaska			x	
Arizona	x			
Arkansas ¹³⁸				
California	x ¹³⁹			
Colorado	x			
Connecticut ¹⁴⁰				
Delaware			x	
District of Columbia				
Florida	x			
Georgia	x			
Hawaii				Response is sent to whomever is designated by the submitter
Idaho				
Illinois				
Indiana				
Iowa				
Kansas	x			
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts ¹⁴¹				
Michigan	x ¹⁴²			
Minnesota ¹⁴³				
Mississippi				

¹³⁸ Not Available

¹³⁹ For his / her own criminal record.

¹⁴⁰ Not Available

¹⁴¹ Not Available

¹⁴² Processed for personal record review, adoption, liquor license, conviction set-aside, and visa/immigration. For personal record review, adoption and visa/immigration, the response is returned directly to the applicant. For liquor license, the response is returned to the state licensing agency. For conviction set-aside, the response is sent to the court of jurisdiction.

¹⁴³ Not Available

State	Only to person/ entity requesting	Only to the subject of the check	Both the requestor & subject Of the check	Other (describe)
Missouri	x			
Montana				
Nebraska ¹⁴⁴				
Nevada	x			
New Hampshire ¹⁴⁵				
New Jersey				
New Mexico	x			
New York	x			
North Carolina		x		
North Dakota	x			
Ohio	x			
Oklahoma	x			
Oregon				
Pennsylvania				
Puerto Rico ¹⁴⁶				
Rhode Island ¹⁴⁷				
South Carolina	x			Record review or challenge
South Dakota				
Tennessee	x ¹⁴⁸			
Texas				The person must authorize us to send the record to another person. Upon that authority, we will send the record to any person for any reason.
Utah				
Vermont				
Virgin Islands				
Virginia		x ¹⁴⁹		
Washington	x ¹⁵⁰			

¹⁴⁴ Not Available

¹⁴⁵ Not Available

¹⁴⁶ Not Available

¹⁴⁷ Not Available

¹⁴⁸ As authorized

¹⁴⁹ Individuals requesting a complete record search based on fingerprints can obtain a complete Virginia criminal record and it can be disseminated to a second party if the proper documents are completed and notarized.

¹⁵⁰ For non-profit purposes, requestor must also provide a copy to the subject

State	Only to person/ entity requesting	Only to the subject of the check	Both the requestor & subject Of the check	Other (describe)
West Virginia				Released to the person or entity that is specified as the recipient by the written request for release from the subject of the record check.
Wisconsin	x			
Wyoming				Record subject designates where results are to be disseminated.

SECTION C: COMMENTS / NOTES

STATE:	COMMENTS / NOTES
Alabama	
Alaska	
Arizona	As the survey is intended to determine what state records are given to the “public,” I did not indicate any access for licensing purposes because in Arizona, the “public” does not perform licensing functions. Only authorized governmental entities issue licenses in Arizona. For question B.3. I did not indicate a yes for “General Public (n purpose necessary)” because in Arizona the requestor must provide the purpose of the request so the department can determine if it is a “lawful” purpose. Public access to state criminal records is authorized by ARS 41-1750.G.4. which states, “With any individual for any lawful purpose on submission of the subject of record’s fingerprints and the prescribed fee.”
Arkansas	
California	California is a closed-record state. The public in general is not allowed access to the information in the state repository, except to obtain a copy of his/her own criminal history record. This is always fingerprint based. Certain agencies within California are authorized by statute to do fingerprint based background checks for employment, licensing and/or certification purposes. If agencies are so authorized, they are generally prohibited from sharing the criminal history information they receive with other entities. California’s dissemination criteria are contained in statutes, and are based on the agency requesting the information and the applicant type. The information disseminated ranges from all information to only convictions for certain offenses within the last ten years.
Colorado	
Connecticut	Fees for Name and DOB background checks from state criminal repository history records are waived for governmental agencies. The Judicial Branch, once a month, creates an extract of the court case files with conviction data – disclosable convictions. This file, which requires further data management, is available for a nominal fee.
Delaware	
District of Columbia	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	
Maryland	
Massachusetts	
Michigan	Name checks are only processed by our on-line system, ICHAT (Internet Criminal History Access Tool). Anybody may access ICHAT, and the cost for a search is \$10. Government and nonprofit agencies are provided a free search for employment or volunteer hiring purposes. These agencies need to request that through MSP, and MSP staff sets them up with the free account. These agencies are subject to audit by MSP staff to verify the free service is being used as intended.

STATE:	COMMENTS / NOTES
Minnesota	We do not have the technical ability or resources to do strictly fingerprint based searches. However, when a subject appears in person and requests a background check by name and date of birth, and a match is found, we do a fingerprint verification before disseminating the record. In addition, we are in the process of doing a study in which we are using a two finger flat print capture device to capture the fingerprints on the two index fingers, and searching against our database.
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	
New Hampshire	
New Jersey	
New Mexico	State background checks are only conducted based on receipt of the individual's signed release form (for the individual, or they may designate an authorized agent). State background checks are also conducted pursuant to a statutory requirement. When a state check is conducted, it consists of only a name check based on the information provided (name, date of birth and social security number).
New York	The general public cannot request a criminal history background check on anyone but themselves. There must be a state statute (PL92-544) or local law that requires or allows a fingerprint-supported criminal history background check for applicant for employment or licensure. The fingerprint submissions must come from an authorized agency; responses are returned to authorized agencies: Fee is \$75.00. The New York State Office of Court Administrator operates the criminal history search program that provides the public a statewide search (name based) of data from the 62 counties, pertaining to convictions and pending cases originating from city and county courts: fee is \$52.00 per request.
North Carolina	North Carolina is a closed record state. Criminal history records are available to particular agencies and State Boards for licensing and employment purposes. These agencies only have access if there is a General Statute, executive order federal mandate or ordinance. The Administrative Office of the Courts (AOC) holds the public record for North Carolina. There are public terminals in different North Carolina counties that are free, and a person can do a name check on anyone. Some counties charge \$10 for a name check, and \$3 extra if they need a certified copy. There are also many companies that have been allowed access To AOC information, and then they sell to the public. Also, in North Carolina, the public has access to the North Carolina Sec Offender website and the North Carolina Department or Correction Public Access System online.
North Dakota	
Ohio	
Oklahoma	Oklahoma is an Open Record State. We supply name based searches to anyone requesting for any purpose for a fee of \$15.00, and fingerprint based state searches to anyone requesting for any reason for a fee of \$19.00. Currently, legislation is being reviewed to increase all of our fees in our preparation for E-Commerce, which will provide electronic search access through the internet.
Oregon	
Pennsylvania	
Puerto Rico	
Rhode Island	All criminal history checks are simultaneously processed through the national and state criminal history records databases.
South Carolina	
South Dakota	
Tennessee	Amounts charged for Livescan are greater because of added vendor costs. Tennessee processes 8,000-10,000 fingerprint based background checks monthly (98% being both TBI / FBI checks). Our Open Records (name based) checks only do 2,000-3,000 per month. We strongly encourage fingerprint based background checks whenever possible.

STATE:	COMMENTS / NOTES
Texas	
Utah	
Vermont	
Virgin Islands	
Virginia	
Washington	
West Virginia	12-2-24(d) states: The criminal identification bureau may furnish, with the approval of the superintendent, fingerprints, photographs, records or other information to any private or public agency, person, firm, association, corporation or other organization, other than a law-enforcement or governmental agency as to which the provisions of subsection (c) of this section shall govern and control, but all requests under the provisions of this subsection (d) for such fingerprints, photographs, records or other information must be accompanied by a written authorization signed and acknowledged by the person whose fingerprints, photographs, records or other information is to be released.
Wisconsin	
Wyoming	