

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of State Police**  
**(Amendment)**

**502 KAR 30:030. Audit of Criminal History Record Information System.**

RELATES TO: KRS 17.150

STATUTORY AUTHORITY: KRS 15A.160, ~~[47.080, ]~~17.150

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.140 establishes a centralized Criminal History Record Information System in the Justice Cabinet under the direction of the Commissioner of the Department of State Police. KRS 17.150(6) provides that the Secretary of Justice shall adopt administrative regulations that are necessary to insure the accuracy of criminal history record information being reported to the centralized criminal history record information system. This administrative regulation establishes the requirements for audits of the centralized Criminal History Record Information System and law enforcement and criminal justice agencies which submit or receive criminal history record information to or from the centralized Criminal History Record Information System.

Section 1. The Records Section shall annually conduct an in-house audit of a random representative sample of hard copy data contained in the centralized Criminal History Record Information System. The scope of the audit shall include~~[ but is not limited to]:~~

- (1) Adherence to federal and state regulations;
- (2) Completeness and accuracy of CHRI;
- (3) CHRI dissemination procedures;
- (4) Security; and

(5) Compliance with mandated access and review procedures. ~~The[Said] audit shall be conducted in accordance with guidelines set out in 28 C.F.R.; 20.21(e)[, utilizing the standard audit instrument as prescribed by Records].~~ A report of the audit findings shall be submitted by the administrative head of Records to the Commissioner, Department of State Police and the Secretary of the Justice Cabinet on or before January 10 of each year.

Section 2. Records shall conduct, on an annual basis, audits of at least four (4) criminal justice agencies, submitting or receiving data from or to the centralized Criminal History Record Information System. ~~The criminal justice[Said] agencies shall be picked at random. The[Such] audits shall be conducted in accordance with guidelines set out in 28 C.F.R.; 20.21(e), utilizing the standard audit instrument.~~ A report of the audit findings shall be submitted to the administrative head of the respective criminal justice agency within thirty (30) working days after the audit has been completed. The scope of the audit shall include~~[ but not be limited to]:~~

- (1) Adherence to federal and state regulations;
- (2) Completeness and accuracy of CHRI;
- (3) CHRI dissemination procedures;
- (4) Security; and
- (5) Compliance with mandated access and review procedures.

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 4:00 p.m. on November 22, 2021 at 4449 Kit Carson Drive,

Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Katherine George, Staff Attorney, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-3801, fax (859) 622-5027, email [katie.george@ky.gov](mailto:katie.george@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Katherine George

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the requirements for audits of the centralized Criminal History Record Information System and relevant agencies which submit or receive criminal history record information from same.

(b) The necessity of this administrative regulation: This regulation ensures compliance with KRS 17.150, while similarly confirming the agency is operating and complying with the applicable federal and state regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation works to ensure the accuracy of criminal history record information provided to law enforcement and criminal justice agencies that rely upon a system of centralized information.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides guidance to the Records Section and to criminal justice agencies regarding the criteria that will be judged in the audit, and similarly sets forth the audit procedure in general terms.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will clarify the existing language of the administrative regulation, providing essential guidance to the Records Section and the relevant agencies.

(b) The necessity of the amendment to this administrative regulation: The previous language was unclear and not completely defined within the relevant sections of the text.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment further clarifies the language of the regulation which works to ensure the completeness and accuracy of the criminal history record information that is provided.

(d) How the amendment will assist in the effective administration of the statutes: The clarified language allows for the Records Section, and relevant agencies, to have clear guidance on how criminal history record information is to be maintained and disseminated.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive criminal history record information to or from the Records System.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: The amendment does not require the regulated entities to take any action separate and apart from the previous language of the regulation, instead, the amendment clearly defines the scope of the audit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: Nothing.

(c) As a result of compliance, what benefits will accrue to the entities: The regulated agencies will have more clearly defined guidance on the scope of the audit, and can more effectively ensure compliance with the applicable regulations and procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment of this administrative regulation does not establish any new fees or increase fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of the Kentucky State Police, and all law enforcement and criminal justice agencies which submit or receive criminal history record information to or from the Records System.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15A.160, KRS 17.150

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Nothing.

(d) How much will it cost to administer this program for subsequent years? Nothing.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: None.