

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(Amended at ARRS Committee)

502 KAR 30:060. Dissemination of criminal history record information.

RELATES TO: KRS 11.160(1)(e), 11.160(2)(e), 15.540, 17.115, 17.140, 17.147, 17.151, 17.152, 17.160, 17.167(4), 237.110(7), 311A.100

STATUTORY AUTHORITY: KRS 15.382, 15A.150, 17.150(6), 17.160(3), 17.165, 17.167, 156.483, 160.151, 160.380, 161.148, 199.462(5), 216.793, 238.525, 281A.040, 281A.300, 324.045, 329.030, 329A.025, 351.090, 351.315

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.115 requires the Justice and Public Safety Cabinet to cooperate with the state, county and city law enforcing agencies of other states and of the United States in order to develop and carry on an interstate and national system of criminal identification. KRS 17.147(6) requires the Department of Kentucky State Police to supply data, at their request, to participating federal bureaus, departments, or criminal justice agencies engaged in the administration of criminal justice programs. KRS 17.150(6) requires the Secretary of the Justice and Public Safety Cabinet to adopt administrative regulations to carry out the provisions of the criminal history record information system. This administrative regulation establishes the conditions required for the dissemination of data from the criminal history record information system.

Section 1. Dissemination of Criminal History Record Information (CHRI). Use of CHRI disseminated to noncriminal justice agencies shall be limited. An agency or individual shall not confirm the existence or nonexistence of CHRI to any person or agency that would not be eligible to receive the information itself. CHRI shall include:

- (1) Nonconviction data. Dissemination of nonconviction data shall not include files available for access by an open records request. The dissemination of nonconviction data shall be limited, directly or through an intermediary, to:
 - (a) Criminal justice agencies for purposes of the administration of criminal justice and criminal justice agency employment;
 - (b) Individuals and agencies for any purpose authorized by statute, ordinance, executive order, or court order, as determined by the General Counsel of the Justice and Public Safety Cabinet;
 - (c) Individuals and agencies pursuant to a specific agreement with the Department of Kentucky State Police, to provide services required for the administration of criminal justice pursuant to that agreement; and
 - (d) Individuals and agencies for the express purpose of evaluation research, or statistical activities pursuant to an agreement with the Criminal Identification and Records Branch of the Kentucky State Police. The agreement shall:
 1. Limit the use of data to evaluation, research, or statistical purposes;
 2. Insure the confidentiality and security of the data consistent with these administrative regulations; and
 3. Provide sanctions for violations of the agreement.
- (2) Conviction data. Dissemination of conviction data shall be limited as follows:
 - (a) Juvenile records. Dissemination of records concerning proceedings relating to the adjudication of a juvenile as delinquent or in need of supervision shall not be released to the public without court order. This restriction shall not apply to juveniles tried as an adult.
 - (b) Criminal history record checks for employment or volunteer purposes.
 1. CHRI concerning a conviction may be disseminated to potential employers of persons. To obtain CHRI regarding convictions, a prospective employee or volunteer

through the potential employer shall complete the following relevant form that is appropriate for the request:

- a. Request for Conviction Records – Employment/Professional License;
- b. Request for Conviction Records/Minors;
- c. Request for Conviction Records/Long-Term Care Facility;
- d. Request for Conviction Records/Child Care;
- e. Request for Conviction Records – Fire Department, Ambulance Service, Rescue Squad;
- f. Request for Conviction Records – Commercial Guide License; or
- g. Request for Criminal History Record Information - Secondary Metal Recycler Certificate.

2. The form shall include a waiver that releases the Kentucky State Police from liability with regard to the dissemination of conviction data. The form shall also include the name of the potential employer, or other entity requesting the CHRI, signature of the prospective employee or volunteer, and a witness signature. The form shall also include sex, race, date of birth, Social Security number, and previous addresses of the prospective employee or volunteer.

3. The prospective employer shall be responsible for the completion of the appropriate form and shall submit a check or money order for twenty (20) dollars, made payable to the Kentucky State Treasurer, with the necessary release form.

(c) Nonemployment criminal records checks.

1. CHRI regarding a conviction may be disseminated to individuals, entities, or organizations in regard to potential adoptive or foster home providers, an adult household member of a potential adoptive or foster home provider, or for emigration or housing. To obtain CHRI regarding convictions, an individual shall complete the following relevant form that is appropriate for the request:

- a. Request for Conviction Records/Adoptions and Foster Homes;
- b. Request for Conviction Records/Emigration; or
- c. Request for Conviction Records/Housing.

2. The form shall include a waiver that releases the Kentucky State Police from liability with regard to the dissemination of conviction data. The form shall also include the name of the recipient individual, entity or organization, signature of the person about whom the CHRI is being requested, and a witness signature. The form shall also include sex, race, date of birth, Social Security number and previous addresses of the person about whom the CHRI is being requested.

3. The applicant shall be responsible for the completion of the form and shall submit a check or money order in the amount of twenty (20) dollars, made payable to the Kentucky State Treasurer.[]

(d) Pursuant to KRS 17.167(4), employees and members of fire departments, ambulance services, and rescue squads shall be exempted from a fee.

(e) The fee in this section shall not apply to applications for a license, or a renewal of a license, to carry a concealed deadly weapon. The fees for this license are provided in KRS 237.110(7).

Section 2. Electronic Log.

(1) The computerized criminal history record information system, as well as criminal justice and law enforcement agencies receiving CHRI from the computerized criminal history record information system shall electronically log all disseminations of CHRI.

(2) The log shall contain the following information:

- (a) The name of the agency and individual receiving CHRI;
- (b) The date of release;
- (c) The individual to whom the CHRI relates;

- (d) The items of CHRI released; and
 - (e) In the case of secondary dissemination, the agency which provided the CHRI.
- (3) Transaction logs shall be maintained in a records subject accessible state for at least twelve (12) months from the date of CHRI dissemination.

Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
- (a) "Request for Conviction Records – Employment/Professional License", 2008;
 - (b) "Request for Conviction Records/Minors", 2008;
 - (c) "Request for Conviction Records/Long-Term Care Facility", 2008;
 - (d) "Request for Conviction Records/Child Care", 2008;
 - (e) "Request for Conviction Records – Fire Department, Ambulance Service, Rescue Squad", 2003;
 - (f) "Request for Conviction Records – Commercial Guide License", 2008;
 - (g) "Request for Criminal History Record Information - Secondary Metal Recycler Certificate", 2012;
 - (h) "Request for Conviction Records/Adoptions and Foster Homes", 2009;
 - (i) "Request for Conviction Records/Emigration", 2008; and
 - (j) "Request for Conviction Records/Housing", 2008.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Police, Criminal Identification and Records Branch, 1266 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m. This material is also on the agency Web site at <http://kentuckystatepolice.org/forms/background-check-forms/>.
- (11 Ky.R. 1719; eff. 6-4-1985; Am. 13 Ky.R. 288; eff. 9-4-1986; 30 Ky.R. 2229; 2458; eff. 7-2-2004; 35 Ky.R. 379; 1456; eff. 1-5-2009; 48 Ky.R. 1312; 49 Ky.R. 39; eff. 10-4-2022.)

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