

17.162 Criminal justice agency to provide records to requesting agency conducting assessment -- Fee.

(1) As used in this section:

(a) "Criminal history records information":

1. Means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including sentencing, correction supervision, and release;
2. Includes information that is sealed pursuant to court order or other law if the records are accessible by criminal justice agencies for the purpose of conducting background checks; and
3. Does not include identification information such as fingerprint records to the extent that the information does not indicate involvement of the individual in the criminal justice system;

(b) "Criminal justice agency" means:

1. The Kentucky Court of Justice;
2. The Department of Kentucky State Police;
3. Sheriffs;
4. State and local correctional facilities;
5. City, county, urban-county government, charter county government, consolidated local government, and unified local government police departments;
6. School resource officer departments;
7. Airport safety and security departments;
8. Any agency or department that employs a state officer, listed in KRS 15.420(2)(a)2.; and
9. Any other state or local agency in the Commonwealth of Kentucky that performs the administration of criminal justice pursuant to a statute, executive order, or other law, and which allocates a majority of its annual budget to the administration of criminal justice; and

(c) "Requesting agency" means:

1. The United States Department of Defense;
2. The United States Department of State;
3. The United States Department of Transportation;
4. The United States Office of Personnel Management;
5. The Central Intelligence Agency;
6. The Federal Bureau of Investigation;
7. The United States Department of Homeland Security;
8. The Office of the Director of National Intelligence;
9. An executive agency of the United States that is:

- a. Authorized to conduct background investigations under a federal statute; or
 - b. Delegated authority to conduct background investigations in accordance with procedures established by a security executive agent or a suitability executive agent under subsection (b) or (c)(iv) of Section 2.3 of Executive Order 13467, 73 Fed. Reg. 38103, or any successor thereto; or
- 10. A contractor that conducts a background investigation on behalf of an entity listed in subparagraphs 1. to 9. of this paragraph.
- (2) A criminal justice agency shall provide criminal history records information to a requesting agency when that requesting agency is conducting a basic suitability or fitness assessment for federal or contractor employees under 5 U.S.C. sec. 9101 and requests that information from the criminal justice agency.
- (3) A criminal justice agency may request a fee of twenty-five dollars (\$25) to be paid by the requesting agency for reimbursement of expenses related to providing criminal history records information. Under no circumstances shall an agency of the Commonwealth of Kentucky be responsible for paying this fee.

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