

***Please Note:** This form is not to be used by an individual to request a copy of his or her criminal history, or to request criminal history pursuant to a judicial order or subpoena. Please refer to www.criminaljustice.ny.gov for information on how to request criminal history for those purposes.

Request for Access to Criminal History Record Information (CHRI)

Access to criminal history record information maintained (CHRI) by the New York State Division of Criminal Justice Services (DCJS) for employment or licensing is permitted only if there is a federal law or regulation, or a New York State or other state law, or a local law of a New York State county, city, town, or village that specifically authorizes a fingerprint-based criminal history record background check. Access to CHRI is also granted to "qualified agencies", as defined by New York State Executive Law §835(9), for a criminal justice function, as defined by New York State Executive Law §835(10); and to local, state and federal law enforcement officers and agencies to assist with any criminal matter.

****Generally,** peace officer agencies may not access CHRI, but may use this form to request limited access to wanted and missing information maintained by DCJS for the purpose of making inquiries; and, with the permission of the State Police, Department of Motor Vehicle license and registration information.

Agency Name: _____

Address: _____

Contact Name: _____

Contact Phone No: _____ Email: _____

☐ Please select if Agency currently has a Use and Dissemination Agreement with DCJS. If checked, please list Agency ORI #: _____

***If there are multiple ORI#s, provide Agency's main ORI# or the ORI# that is the subject of the request.**

☐ Please select if Agency is requesting limited peace officer access.

In order to apply for Peace Officer Access, entities or agencies that employ peace officers must check the below and provide:

☐ The ordinance or statute that created the agency or entity;

☐ The ordinance or statute that authorizes the agency/entity's peace officers to have arrest powers; and

☐ A statement on agency/entity letterhead, signed by an authorized official, indicating the agency/entity is a criminal justice agency as defined in 28 Code of Federal Rules (CFR) § 0.3 (g)(2); and verifying, with a copy of the agency's budget, that more than 50 percent of the peace officers' time is devoted to the administration of criminal justice as defined in 28 CFR §20.3 (b).

☐ Please select if Agency is requesting access to CHRI for employment/licensing purposes.

☐ NYS CHRI Only ☐ NYS & FBI CHRI

☐ Please select if Agency is requesting access to CHRI for law enforcement/criminal justice purposes.

☐ NYS CHRI Only ☐ NYS & FBI CHRI

☐ Please select if Agency is requesting access to CHRI for a reason not listed above (**note:** This form is **not to be used** by an individual to request a copy of his or her criminal history, or to request criminal history pursuant to a judicial order or subpoena).

Please explain:

☐ NYS CHRI Only ☐ NYS & FBI CHRI

Please check all that apply and attach the law that authorizes the request:

☐ Federal Law or Regulation

☐ State Law

☐ Local Law

Please describe in "detail" the purpose of this request:

Instructions for Local Laws:

Local governments should follow the guidelines below when drafting a local law that will allow the agency to submit fingerprints to DCJS to conduct a background check for employment or licensing purposes.

A local law must contain:

The specific license type/job title for which fingerprinting is required;

A provision requiring submission of fingerprints and any applicable fees to DCJS in the form and manner as prescribed by DCJS;

The name of the municipal agency and the title of the staff within that agency responsible for reviewing the CHRI disseminated by DCJS;

A provision stating that if a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§701-703-b (Article 23) and §§751-753 (Article 23-A)

Sample Language for a local law:

(1) The specific license type/job title for which fingerprinting is required:

To procure a license, or any renewal thereof, for a tow truck operator, a verified application shall be made to the Department of Public Safety.

***Note:** CHRI may be obtained in connection with an application for employment or for a license. Therefore, a background check may be conducted on individuals applying for an initial or renewal license. However, a background check may only be conducted on prospective employees.

(2) A provision requiring submission of fingerprints and any applicable fees to DCJS in the form and manner as prescribed by DCJS:

The Department of Public Safety shall cause the applicant's fingerprints and appropriate fees to be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a criminal history record search.

(3) The name of the municipal agency and the title of the staff responsible for reviewing the CHRI disseminated by DCJS:

The Director of the Department of Public Safety or his or her designee within the Department shall review all information provided by DCJS in connection with the applicant's criminal history record search.

***Note:** CHRI may only be reviewed by the agency or entity submitting fingerprints to and receiving CHRI from DCJS via the Use and Dissemination Agreement.

(4) A provision stating that if a prospective applicant has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§701-703-b (Article 23) and §§751-753 (Article 23-A):

If the Department of Public Safety cannot confirm the truth or accuracy of said material contained in the application; or if it determines that a material misrepresentation is contained therein; or if the applicant shall have been convicted of a misdemeanor or felony which is determined to render the applicant unfit to carry on the aforesaid operation, provided, however, that due consideration is given to N.Y. State Correction Law §§ 701 - 703-b and §§ 751 - 753 in making any such determination; or if it determines that applicant to be unfit or incapable of properly conducting the aforesaid operation, it shall issue a report to the Town Clerk, who shall deny said application. Secondary dissemination of criminal history record information is prohibited. The Department of Public Safety shall only disclose to the Town Clerk whether, or not he/she may "approve" or "deny" the application, but may not share the actual results of the background check. The Town Clerk shall notify the applicant within 30 days after receipt of a completed application as to whether the application shall be approved or denied.

***Note:** Secondary dissemination of CHRI received from DCJS is not permitted for any reason, unless specifically authorized by State or Federal Law.

Proof of filing of such local law with the New York Department of State must also be submitted with the request for access to CHRI. If an agency or entity seeks a review of a local law prior to its adoption by a local government, this proof of filing requirement does not apply.

Any general questions, including how to complete the form, should be directed to the DCJS Use & Dissemination Unit @ (518) 485-8434. Any legal questions, such as whether or not you are authorized to access CHRI, should be directed to the DCJS Office of Legal Services Office @ dcjslegalservices@dcjs.ny.gov.

Please click on the submit button to send this form to the DCJS Office of Legal Services Office @ dcjslegalservices@dcjs.ny.gov for review.

SUBMIT