

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Justice – Division of Criminal Information

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, July 11, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On all submission for Permanent Rule Forms, please list the citations out by section in Box 2.

On all Submission for Permanent Rule Forms, please verify the date that your agency adopted the Rules in Box 6.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

Amber Cronk May
Commission Counsel
June 27, 2014

1 12 NCAC 04E .0101 - .0106 are repealed as published in 28:18 NCR 2187 as follows:

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SUBCHAPTER 4E - ORGANIZATIONAL RULES AND FUNCTIONS

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SECTION .0100 - GENERAL PROVISIONS

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8 **12 NCAC 04E .0101 NAME AND LOCATION**

9 **12 NCAC 04E .0102 FUNCTION OF DCI**

10 **12 NCAC 04E .0103 ADVISORY POLICY BOARD**

11 **12 NCAC 04E .0104 DEFINITIONS**

12 **12 NCAC 04E .0105 FORMS**

13 **12 NCAC 04E .0106 MANUALS**

14 *History Note: Authority G.S. 114-10; 114-10.1;*

15 *Eff. November 1, 1991;*

16 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04E .0201 - .0204 are repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0200 - REQUIREMENTS FOR ACCESS

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5 **12 NCAC 04E .0201 ELIGIBILITY FOR FULL OR LIMITED ACCESS TO THE DCI NETWORK**

6 **12 NCAC 04E .0202 MANAGEMENT CONTROL REQUIREMENTS**

7 **12 NCAC 04E .0203 NON-TERMINAL ACCESS**

8 **12 NCAC 04E .0204 SBI TASK FORCE MANAGEMENT CONTROL**

9

10 *History Note: Authority G.S. 114-10; 114-10.1;*

11 *Eff. November 1, 1991;*

12 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04E .0301 - .0305 are repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0300 - STANDARDS AND AGREEMENTS

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5 **12 NCAC 04E .0301 USER AGREEMENT**

6 **12 NCAC 04E .0302 USER ACCESS FEE AGREEMENT**

7 **12 NCAC 04E .0303 SERVICING AGREEMENT**

8 **12 NCAC 04E .0304 MANAGEMENT CONTROL AGREEMENT**

9 **12 NCAC 04E .0305 DISCLOSURE AGREEMENT**

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11 *History Note: Authority G.S. 114-10; 114-10.1;*

12 *Eff. November 1, 1991;*

13 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04E .0401 - .0405 are repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0400 - OPERATION OF DCI TERMINAL

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5 **12 NCAC 04E .0401 DCI TERMINAL OPERATOR**

6 **12 NCAC 04E .0402 CERTIFICATION AND RECERTIFICATION OF DCI OPERATORS**

7 **12 NCAC 04E .0403 SUSPENSION AND REVOCATION OF OPERATOR CERTIFICATION**

8 **12 NCAC 04E .0404 PERIOD OF SUSPENSION**

9 **12 NCAC 04E .0405 MINIMUM STANDARDS FOR DCI TERMINAL OPERATORS**


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11 *History Note: Authority G.S. 114-10; 114-10.1;*

12 *Eff. November 1, 1991;*

13 *Repealed Eff. August 1, 2014.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Justice – Division of Criminal Information	
2. Rule citation & name (name not required for repeal): 12 NCAC 04F .0101 - .0801	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):
5. Agency obtained G.S. 150B-19.1 certification: <input type="checkbox"/> OSBM certified on: <input checked="" type="checkbox"/> RRC certified on: 11/21/2013 <input type="checkbox"/> Not Required	
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 02/24/2014 Link to Agency notice: http://www.ncdoj.gov/DCIRules Hearing on: 04/08/2014 Adoption by agency on: 07/01/2014 <input type="checkbox"/> Notice not required under G.S.: Adoption by agency on:	
7. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact (check all that apply): <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted in last General Assembly session Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other:	
9B. Explain: This rule is technologically obsolete. A new rule is being adopted to replace it.	
10. Rule-making Coordinator: Joshua Hickman Address: P.O. Box 29500, Raleigh, NC 27626 Phone: 919-662-4500 E-Mail: jhickman@ncdoj.gov Agency Contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Joshua Hickman Title: Special Agent
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC Extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

OFFICE OF
 ADMIN HEARINGS
 2014 MAY 27 PM 3:57
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1 12 NCAC 04F .0101-.0102 are repealed as published in 28:18 NCR 2187 as follows:

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SUBCHAPTER 4F - SECURITY AND PRIVACY

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SECTION .0100 - SECURITY AT LOCAL SITES

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8 **12 NCAC 04F .0101 SECURITY OF DCI EQUIPMENT**

9 **12 NCAC 04F .0102 OFFICIAL USE OF DCI INFORMATION**

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11 *History Note: Authority G.S. 114-10; 114-10.1;*

12 *Eff. November 1, 1991;*

13 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04F .0201 is repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0200 - DCI/NCIC HOT FILES

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5 **12 NCAC 04F .0201 DOCUMENTATION AND ACCURACY**

6 **12 NCAC 04F .0202 VALIDATIONS**

7 **12 NCAC 04F .0203 HIT CONFIRMATION**

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9 *History Note: Authority G.S. 114-10; 114-10.1;*

10 *Eff. November 1, 1991;*

11 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04F .0301-.0303 are repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0300 - SUBMISSION OF DATA FOR CRIMINAL HISTORY RECORDS

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5 **12 NCAC 04F .0301 ARREST FINGERPRINT CARD**

6 **12 NCAC 04F .0302 FINAL DISPOSITION INFORMATION**

7 **12 NCAC 04F .0303 PRISON FINGERPRINT CARD**

8

9 *History Note: Authority G.S. 15A-502; 15A-1383;*

10 *Eff. November 1, 1991;*

11 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04F .0401-.0408 are repealed as published in 28:18 NCR 2187 as follows:

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**SECTION .0400 - COMPUTERIZED CRIMINAL HISTORY ACCESS AND USE
REQUIREMENTS**

- 6 **12 NCAC 04F .0401 DISSEMINATION OF CCH RECORDS**
- 7 **12 NCAC 04F .0402 ACCESSING OF CCH RECORDS**
- 8 **12 NCAC 04F .0403 USE OF CCH FOR CRIMINAL JUSTICE EMPLOYMENT**
- 9 **12 NCAC 04F .0404 INDIVIDUAL'S RIGHT TO REVIEW**
- 10 **12 NCAC 04F .0405 CCH LICENSING AND NON-CRIMINAL JUSTICE EMPLOYMENT PURPOSES**
- 11 **12 NCAC 04F .0406 RESTRICTIVE USE OF CCH FOR EMPLOYMENT PURPOSES**
- 12 **12 NCAC 04F .0407 RESEARCH USE AND ACCESS OF CCH RECORDS**
- 13 **12 NCAC 04F .0408 LIMITATION REQUIREMENTS**

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*History Note: Authority G.S. 114-10; 114-10.1;
Eff. November 1, 1991;
Repealed Eff. August 1, 2014.*

1 12 NCAC 04F .0501-.0502 are repealed as published in 28:18 NCR 2187 follows:
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SECTION .0500 - REMOVAL OF CRIMINAL HISTORY RECORD INFORMATION

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5 **12 NCAC 04F .0501 EXPUNGEMENTS**

6 **12 NCAC 04F .0502 PURGES**

7 *History Note: Authority G.S. 15A-145; 15A-146; 90-96; 90-113.14; 114.10; 114-10.1;*

8 *150B-19(5)b., e.;*

9 *Eff. November 1, 1991;*

10 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04F .0601-.0604 are repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0600 - AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

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5 **12 NCAC 04F .0601 AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM**

6 **12 NCAC 04F .0602 ELIGIBILITY FOR FULL OR LIMITED ACCESS TO THE AFIS NETWORK**

7 **12 NCAC 04F .0603 AFIS AGREEMENT**

8 **12 NCAC 04F .0604 AVAILABLE DATA**

9 *History Note: Authority G.S. 15A-502; 114-10; 114-10.1; 114-16;*

10 *Eff. November 1, 1991;*

11 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04F .0701 is repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0700 - DRIVER HISTORY

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5 **12 NCAC 04F .0701 DISSEMINATION OF DRIVER HISTORY INFORMATION**

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7 *History Note: Authority G.S. 114-10; 114-10.1;*

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Eff. November 1, 1991;

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Repealed Eff. August 1, 2014.

1 12 NCAC 04F .0801 is repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0800 - AUDITS

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5 **12 NCAC 04F .0801 AUDITS**

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7 *History Note: Authority G.S. 114-10; 114-10.1;*

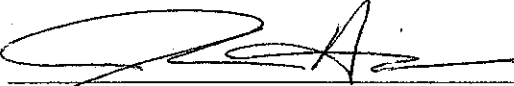
8

Eff. November 1, 1991;

9

Repealed Eff. August 1, 2014.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Justice – Division of Criminal Information									
2. Rule citation & name (name not required for repeal): 12 NCAC 04G .0101 - .0301									
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL	4. Exemption. Rule exempt from RRC review according to (cite session law or general statute):								
5. Agency obtained G.S. 150B-19.1 certification: <input type="checkbox"/> OSBM certified on: <input checked="" type="checkbox"/> RRC certified on: 11/21/2013 <input type="checkbox"/> Not Required									
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 02/24/2014 Link to Agency notice: http://www.ncdoj.gov/DCIRules Hearing on: 04/08/2014 Adoption by agency on: 07/01/2014 <input type="checkbox"/> Notice not required under G.S.: Adoption by agency on:									
7. Fee. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact (check all that apply): <input type="checkbox"/> State funds affected <input type="checkbox"/> Environmental permitting of DOT affected and analysis submitted to Board of Transportation <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required								
9. REASON FOR ACTION									
9A. What prompted this action? Check all that apply: <table><tr><td><input type="checkbox"/> Agency</td><td><input type="checkbox"/> Legislation enacted in last General Assembly session</td></tr><tr><td><input type="checkbox"/> Court order / cite:</td><td>Cite Session Law:</td></tr><tr><td><input type="checkbox"/> Federal statute / cite:</td><td><input type="checkbox"/> Petition for rule-making</td></tr><tr><td><input type="checkbox"/> Federal regulation / cite:</td><td><input checked="" type="checkbox"/> Other:</td></tr></table>		<input type="checkbox"/> Agency	<input type="checkbox"/> Legislation enacted in last General Assembly session	<input type="checkbox"/> Court order / cite:	Cite Session Law:	<input type="checkbox"/> Federal statute / cite:	<input type="checkbox"/> Petition for rule-making	<input type="checkbox"/> Federal regulation / cite:	<input checked="" type="checkbox"/> Other:
<input type="checkbox"/> Agency	<input type="checkbox"/> Legislation enacted in last General Assembly session								
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<input type="checkbox"/> Federal statute / cite:	<input type="checkbox"/> Petition for rule-making								
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10. Rule-making Coordinator: Joshua Hickman Address: P.O. Box 29500, Raleigh, NC 27626 Phone: 919-662-4500 E-Mail: jhickman@ncdoj.gov Agency Contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Joshua Hickman Title: Special Agent								
RRC AND OAH USE ONLY									
Action taken:									
<input type="checkbox"/> RRC Extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:									

FILED
2019 MAY 27 PM 3:57
OFFICE OF
ADMIN HEARINGS

1 12 NCAC 04G .0101-.0102 is proposed for repeal as follows:

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SUBCHAPTER 4G - PENALTIES AND ADMINISTRATIVE HEARINGS

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SECTION .0100 - DEFINITIONS AND PENALTY PROVISIONS

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8 **12 NCAC 04G .0101** **DEFINITIONS**

9 **12 NCAC 04G .0102** **PENALTY PROVISIONS**

10

11 *History Note: Authority G.S. 114-10; 114-10.1;*

12 *Eff. November 1, 1991;*

13 *Repealed Eff. August 1, 2014.*

1 12 NCAC 04G .0201 is repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0200 - APPEALS

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5 **12 NCAC 04G .0201 NOTICE OF VIOLATION**

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7 *History Note: Authority G.S. 114-10; 114-10.1; 150B-3(b); 150B-23(f);*

8

Eff. November 1, 1991;

9

Repealed Eff. August 1, 2014.

1 12 NCAC 04G .0301 is repealed as published in 28:18 NCR 2187 as follows:

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SECTION .0300 - INFORMAL HEARINGS

4

5 **12 NCAC 04G .0301 INFORMAL HEARING PROCEDURE**

6

7 *History Note: Authority G.S. 114-10; 114-10.1; 150B-3(b); 150B-23(f);*

8

Eff. November 1, 1991;

9

Repealed Eff. August 1, 2014.