**5805 N LAMAR BLVD ** **BOX 4087 ** **AUSTIN, TEXAS 78773-0001**

**512-424-2000**

[www.dps.texas.gov](https://www.dps.texas.gov/)

FREEMAN F. MARTIN

COLONEL

WALT GOODSON JASON C. TAYLOR

LIEUTENANT COLONELS

# Request for Non-Criminal ORI Assignment

**or Statute Review** STEVEN P. MACH CHAIRman

Nelda L. Blair

Dan Hord III

Larry b. Long

SteveN h. stodghill

## The following language and requirements have been set forth by the FBI:

The FBI Office of the General Counsel (OGC), Criminal Justice Information Law Unit (CJILU), a Division separate from the Criminal Justice Information Services (CJIS) Division, has been tasked with the review of state statutes seeking access to FBI criminal history record information (CHRI) pursuant to Public Law (Pub. L.) 92-544, codified at Title 34 United States Code Section 41101. The CJILU conducts a review of each state statute or legislative bill submitted to our office to ensure compliance with the federal law and the attached U.S. Department of Justice (DOJ) established criteria for the submission of fingerprints to the FBI CJIS Division for a national criminal history background check. A statute cannot be approved for access to FBI CHRI unless all criterion specified in the Pub. L. 92- 544 are satisfied. We are seeking the assistance from the CJIS Systems Officer (CSO) and/or the State Identification Bureau (SIB) Representative in order for the FBI to more quickly respond to our state partners.

Prior to submitting a Pub. L. 92-544 request, the statute should be reviewed by the CSO/SIB, or their representative. The submission email must contain the following information and documents to aide us in identifying those portions which address the criteria required by Pub. L. 92-544 and the U.S. DOJ:

1. The **statute** must exist as a result of a **legislative enactment;**
2. It must **require** the fingerprinting of applicants who are to be subjected to a national criminal history background check;
3. It must, expressly (‘submit to the FBI’) or by implication
   1. The referenced provision in the appropriation bill admonishes that “such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies,” and that restriction is incorporated into the licensing and employment provisions of Pub. L. 92-544.
4. It must **identify** the **specific category(ies) of licensees/employees** falling within its purview, thereby avoiding overbreadth;
5. It must **not** be **against public policy**; and
6. It may **not** authorize receipt of the CHRI by a **private entity**.

Additionally, FBI policy requires that fingerprints be initially submitted to the state identification bureau (for a check of state records) and thereafter forwarded to the FBI for a "national" criminal history check.

*\*Please be advised that it can take DPS up to 30 days to review and prepare ORI assignments and Statute reviews for the FBI. All requests to the FBI will be reviewed in the order it was received. Delays in submission due to missing or incomplete requests will restart the process. \**

# Non-Criminal ORI Assignment or Statute Review Request

To request an ORI Assignment or Statute Review for fingerprint submissions, a “**letter of intent**” must be submitted along with the **Public Law 92-544 Request Form**.

## Please select all that apply:

* Are you requesting an ORI Assignment  Statute Review Request

## Please submit the following:

* **Letter of Intent**
  + On an agency letterhead
  + Acknowledgment that your agency is requesting either an ORI or a statute review to receive Texas and FBI criminal history record information by fingerprint submissions.
  + The type of services the agency provides.
  + A brief summary explaining who will be fingerprinted and for what purpose.
  + A brief explanation of who is receiving the services provided by the agency.
  + List all ORIs, if applicable.
  + Include the applicable state or federal statutes and any supporting statutes that establish criteria for the submission of fingerprints.
  + Signed by a top official.

## Complete the Public Law 92-544 Request Form.

* + Include the documentation for the statute and supporting statutes.

Yes  No

Does your letter of intent include all bullet points listed above?

## Please also include the following for the person of contact:

|  |  |
| --- | --- |
| Name of agency: |  |
| Attention: |  |
| Address: |  |
| County: |  |
| Phone: |  |
| Email: |  |

**Completed requests and/or questions can be submitted to:**

Attention: Fingerprint Services Unit Email: [Fingerprint.Service@dps.texas.gov](mailto:Fingerprint.Service@dps.texas.gov) Phone: 512-424-2474 opt. 6

# Public Law 92-544 Request Form for National Criminal History Record Information

This request must be completed entirely. DPS will complete question 10.

|  |  |
| --- | --- |
| Date: |  |
| TX Statute: |  |
| Agency: |  |
| Attention: |  |
| Address: |  |
| Phone: |  |
| Email: |  |

|  |
| --- |
| **1a.)** The statute must exist as a result of a legislative enactment; **(Agency Responds) Identify whether the review is an enacted bill/statute; and when it becomes effective.** |
|  |
| **2b.)** Identification of the section(s) of the statute/bill that requires the fingerprinting of applicants who are to be subjected to a national criminal history background check; **(Agency Responds) Which section of the statute identifies the need to submit fingerprints?** |
|  |
| **3c.)** Identification of the section(s) of the statute/bill that expressly (“submit to the FBI”) or by implication (“submit for a national check”), authorize the use of FBI records for the screening of applicants; **(Agency Responds) Provide the section of the statute that identifies the authorization of the use of FBI records.** |
|  |
| **4d.)** Identification of the section(s) of the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth; **(Agency Responds) List the populations to be fingerprinted and provide where definitions can be located in the statute.** |
|  |

# Public Law 92-544 Request Form for National Criminal History Record Information

This request must be completed entirely.

|  |
| --- |
| **5e.)** The statute must not be against public policy; **(Agency Responds) Confirm whether or not the submitting statute is or is not against public policy.** |
|  |
| **6f.)** It may not authorize receipt of the CHRI by private entity. **(Agency Responds) Which section of the statute does or does not allow the dissemination of FBI records?** |
|  |
| **7)** Identification of the section of the statute that specifies the state agency responsible for conducting the licensing and/or employment fingerprint-based background check and receiving the criminal history record information from the FBI;  **(Agency Responds)** |
|  |
| **8)** If requesting an Originating Agency Identifier (ORl), the authorized agency's name and point of contact information must also be provided. You may also identify in the request if a previously assigned ORl will be utilized for the requested submissions;  **(Agency Responds) Put N/A if no ORI is being requested. Provide the required information if an ORI is being requested.** |
|  |
| **9)** Reference to the appropriate state statute and supporting statutes is attached in a portable document file (PDF). Please note that if a state intends to rely upon a state regulation for criminal history background checks, a state regulation must be voted on by the  full legislative body and signed by the Governor in order to meet the requirements of Pub. L. 92-544 to be considered a legislative enactment; **(Agency Responds) The agency must provide a copy of the statute and all supporting statutes. Is this included?** |
|  |
| **10)** Whether a previous version(s) of a bill or statute has been submitted to the FBI, when, and the outcome of that submission (i.e. approval or denial).  **(DPS will complete question 10)** |
|  |

**Completed requests and/or questions can be submitted to:**

Attention: Fingerprint Services Unit Email: [Fingerprint.Service@dps.texas.gov](mailto:Fingerprint.Service@dps.texas.gov) Phone: 512-424-2474 opt. 6