



Division of Criminal Justice Services

Request for Access to Criminal History Record Information

Access to criminal history record information maintained by the New York State Division of Criminal Justice Services (DCJS) for employment or licensing is permitted only if there is a state law, federal law, or local law of a New York State village, town, city or county that specifically authorizes a fingerprint-based criminal history record background check.

Requesting Agency: _____

Contact Name: _____

Address: _____

Phone Number: _____

E-mail Address: _____

1. Nature of request (please check all that apply):

- Fingerprint submission for background check of applicants for employment/licensing
- Legal review of proposed local law to determine whether it is sufficient to allow access to criminal history
- Access to criminal history through the eJusticeNY Integrated Justice Portal
- Limited Peace Officer access. Peace officers may access wanted and missing information maintained by DCJS for the purpose of making inquiries; and, with the permission of the State Police, also may access Department of Motor Vehicle non-photo license and registration information. In order to apply for this access, entities or agencies that employ peace officers must 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) Section 20.3 (g) (2); and verifying that more than 50 percent of the peace officers' time is devoted to the administration of criminal justice as defined in 28 CFR Section 20.3 (b).

2. State or local statute or federal statute or federal regulation authorizing criminal history access (please describe and attach law or regulation):

3. Is access to federal criminal history record information maintained by the Federal Bureau of Investigation (FBI) requested? Please note that this is not applicable to local laws.

Yes No

If yes, please describe and attach a copy of the state statute or federal statute or federal regulation authorizing access to federal criminal history record information maintained by the FBI.

Please note: Local governments should follow the guidelines below in drafting a local law that will be sufficient to allow the agency to submit non-criminal applicant fingerprint inquiries to DCJS. A local law must contain:

- The specific license type/job title for which fingerprinting is required;
- A provision stating that fingerprints and any applicable fees must be submitted to DCJS in the form and manner prescribed by DCJS;
- The municipal agency and the title of the staff that will be responsible for reviewing the criminal history record information; and
- 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 and §§751-753. Correction Law §§701-703-b provides for certificates of relief from disability and certificates of good conduct, and §§751-753 sets forth New York's public policy to encourage the licensure and employment of persons previously convicted of one or more criminal offenses and factors that should be considered in making hiring determinations.

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

Please direct any questions about these requirements to the DCJS Office of Legal Services at dcjslegalservices@dcjs.ny.gov or (518) 457-8413.