

Part 8. Criminal Justice Information.

§ 143B-1203. Transfer; definitions.

(a) The statutory authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Criminal Justice Information Network Governing Board are transferred to the Department of Public Safety as a Type II transfer as defined in G.S. 143A-6.

(b) As used in this Part:

- (1) "Board" means the Criminal Justice Information Network Governing Board established by G.S. 143B-1204.
- (2) "Department" means the Department of Public Safety.
- (3) "Local government user" means a unit of local government of this State having authorized access to the Network.
- (4) "Network" means the Criminal Justice Information Network established by the Board pursuant to this Part.
- (5) "Network user" or "user" means any person having authorized access to the Network.
- (6) "State agency" means any State department, agency, institution, board, commission, or other unit of State government. (1996, 2nd Ex. Sess., c. 18, s. 23.3(a); 2015-241, s. 7A.3(1); recodified from N.C. Gen. Stat. § 143B-1390 by 2021-180, s. 19A.7A(b), (c).)

§ 143B-1204. Criminal Justice Information Network Governing Board – creation; purpose; membership; conflicts of interest. [Effective until January 1, 2023]

(a) The Criminal Justice Information Network Governing Board is established within the Department, as a Type II transfer, to operate the State’s Criminal Justice Information Network, the purpose of which shall be to provide the governmental and technical information systems infrastructure necessary for accomplishing State and local governmental public safety and justice functions in the most effective manner by appropriately and efficiently sharing criminal justice and juvenile justice information among law enforcement, judicial, and corrections agencies. The Board is established within the Department for organizational and budgetary purposes only and the Board shall exercise all of its statutory powers in this Part independent of control by the Department.

(b) The Board shall consist of 21 members, appointed as follows:

- (1) Five members appointed by the Governor, including one member who is a director or employee of a State correction agency for a term to begin September 1, 1996 and to expire on June 30, 1997, one member who is an employee of the Department for a term beginning September 1, 1996 and to expire on June 30, 1997, one member selected from the North Carolina Association of Chiefs of Police for a term to begin September 1, 1996 and to expire on June 30, 1999, one member who is an employee of the Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department, and one member who represents the Division of Motor Vehicles.
- (2) Six members appointed by the General Assembly in accordance with G.S. 120-121, as follows:
 - a. Three members recommended by the President Pro Tempore of the Senate, including two members of the general public for terms to begin on September 1, 1996 and to expire on June 30, 1997, and one member selected from the North Carolina League of Municipalities who is a member of, or an employee working directly for, the governing board of a North Carolina municipality for a term to begin on September 1, 1996 and to expire on June 30, 1999; and
 - b. Three members recommended by the Speaker of the House of Representatives, including two members of the general public for terms to begin on September 1, 1996 and to expire on June 30, 1999, and one member selected from the North Carolina Association of County Commissioners who is a member of, or an employee working directly for, the governing board of a North Carolina county for a term to begin on September 1, 1996 and to expire on June 30, 1997.
- (3) Two members appointed by the Attorney General, including one member who is an employee of the Attorney General for a term to begin on September 1, 1996 and to expire on June 30, 1997, and one member from the North Carolina Sheriffs’ Association for a term to begin on September 1, 1996 and to expire on June 30, 1999.
- (4) Six members appointed by the Chief Justice of the North Carolina Supreme Court, as follows:
 - a. The Director of the Administrative Office of the Courts, or an employee of the Administrative Office of the Courts, for a term beginning July 1, 1997, and expiring June 30, 2001.
 - b. One member who is a district attorney or an assistant district attorney upon the recommendation of the Conference of District Attorneys of

North Carolina, for a term beginning July 1, 1998, and expiring June 30, 1999.

- c. Two members who are superior court or district court judges for terms beginning July 1, 1998, and expiring June 30, 2001.
 - d. One member who is a magistrate upon the recommendation of the North Carolina Magistrates' Association, for a term beginning July 1, 1998, and expiring June 30, 1999.
 - e. One member who is a clerk of superior court upon the recommendation of the North Carolina Association of Clerks of Superior Court, for a term beginning July 1, 1998, and expiring June 30, 1999.
- (5) One member appointed by the State Chief Information Officer.
 - (6) One member appointed by the President of the North Carolina Chapter of the Association of Public Communications Officials International, who is an active member of the Association, for a term to begin on September 1, 1996 and to expire on June 30, 1999.

The respective appointing authorities are encouraged to appoint persons having a background in and familiarity with criminal information systems and networks generally and with the criminal information needs and capacities of the constituency from which the member is appointed.

As the initial terms expire, subsequent members of the Board shall be appointed to serve four-year terms. At the end of a term, a member shall continue to serve on the Board until a successor is appointed. A member who is appointed after a term is begun serves only for the remainder of the term and until a successor is appointed. Any vacancy in the membership of the Board shall be filled by the same appointing authority that made the appointment, except that vacancies among members appointed by the General Assembly shall be filled in accordance with G.S. 120-122.

(c) Members of the Board shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State or to any unit of local government in the State. No member of the Board shall vote on an action affecting solely the member's own State agency or local governmental unit or specific judicial office. (1996, 2nd Ex. Sess., c. 18, s. 23.3(a); 1998-202, s. 9; 1998-212, s. 18.2(b); 2001-424, s. 23.6(b); 2001-487, s. 90; 2003-284, s. 17.1(a); 2004-129, s. 42; 2011-145, ss. 6A.11(b), 19.1(g), (l); 2015-241, ss. 7A.2(d), 7A.3(1); 2017-186, s. 2(fffff), (qqqqq); recodified from N.C. Gen. Stat. § 143B-1391 by 2021-180, s. 19A.7A(b), (c).)

§ 143B-1204. Criminal Justice Information Network Governing Board – creation; purpose; membership; conflicts of interest. [Effective January 1, 2023 – see notes]

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- (2) Six members appointed by the General Assembly in accordance with G.S. 120-121, as follows:
 - a. Three members recommended by the President Pro Tempore of the Senate, including two members of the general public for terms to begin on September 1, 1996 and to expire on June 30, 1997, and one member selected from the North Carolina League of Municipalities who is a member of, or an employee working directly for, the governing board of a North Carolina municipality for a term to begin on September 1, 1996 and to expire on June 30, 1999; and
 - b. Three members recommended by the Speaker of the House of Representatives, including two members of the general public for terms to begin on September 1, 1996 and to expire on June 30, 1999, and one member selected from the North Carolina Association of County Commissioners who is a member of, or an employee working directly for, the governing board of a North Carolina county for a term to begin on September 1, 1996 and to expire on June 30, 1997.
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 - a. The Director of the Administrative Office of the Courts, or an employee of the Administrative Office of the Courts, for a term beginning July 1, 1997, and expiring June 30, 2001.
 - b. One member who is a district attorney or an assistant district attorney upon the recommendation of the Conference of District Attorneys of North Carolina, for a term beginning July 1, 1998, and expiring June 30, 1999.
 - c. Two members who are superior court or district court judges for terms beginning July 1, 1998, and expiring June 30, 2001.
 - d. One member who is a magistrate upon the recommendation of the North Carolina Magistrates' Association, for a term beginning July 1, 1998, and expiring June 30, 1999.
 - e. One member who is a clerk of superior court upon the recommendation of the North Carolina Association of Clerks of Superior Court, for a term beginning July 1, 1998, and expiring June 30, 1999.
- (5) One member appointed by the State Chief Information Officer.

- (6) One member appointed by the President of the North Carolina Chapter of the Association of Public Communications Officials International, who is an active member of the Association, for a term to begin on September 1, 1996 and to expire on June 30, 1999.

The respective appointing authorities are encouraged to appoint persons having a background in and familiarity with criminal information systems and networks generally and with the criminal information needs and capacities of the constituency from which the member is appointed.

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(c) Members of the Board shall not be employed by or serve on the board of directors or other corporate governing body of any information systems, computer hardware, computer software, or telecommunications vendor of goods and services to the State or to any unit of local government in the State. No member of the Board shall vote on an action affecting solely the member's own State agency or local governmental unit or specific judicial office. (1996, 2nd Ex. Sess., c. 18, s. 23.3(a); 1998-202, s. 9; 1998-212, s. 18.2(b); 2001-424, s. 23.6(b); 2001-487, s. 90; 2003-284, s. 17.1(a); 2004-129, s. 42; 2011-145, ss. 6A.11(b), 19.1(g), (l); 2015-241, ss. 7A.2(d), 7A.3(1); 2017-186, s. 2(fffff), (qqqqq); recodified from N.C. Gen. Stat. § 143B-1391 by 2021-180, s. 19A.7A(b), (c); 2021-180, s. 19C.9(z).)

§ 143B-1205. Compensation and expenses of Board members; travel reimbursements.

Members of the Board shall serve without compensation but may receive travel and subsistence as follows:

- (1) Board members who are officials or employees of a State agency or unit of local government, in accordance with G.S. 138-6.
- (2) All other Board members, at the rate established in G.S. 138-5. (1996, 2nd Ex. Sess., c. 18, s. 23.3(a); 2015-241, s. 7A.3(1); recodified from N.C. Gen. Stat. § 143B-1392 by 2021-180, § 19A.7A.b.)

§ 143B-1206. Powers and duties.

- (a) The Board shall have the following powers and duties:
- (1) To establish and operate the Network as an integrated system of State and local government components for effectively and efficiently storing, communicating, and using criminal justice information at the State and local levels throughout North Carolina's law enforcement, judicial, juvenile justice, and corrections agencies, with the components of the Network to include electronic devices, programs, data, and governance and to set the Network's policies and procedures.
 - (2) To develop and adopt uniform standards and cost-effective information technology, after thorough evaluation of the capacity of information technology to meet the present and future needs of the State and, in consultation with the Department of Information Technology, to develop and adopt standards for entering, storing, and transmitting information in criminal justice databases and for achieving maximum compatibility among user technologies.
 - (3) To identify the funds needed to establish and maintain the Network, identify public and private sources of funding, and secure funding to:
 - a. Create the Network and facilitate the sharing of information among users of the Network; and
 - b. Make grants to local government users to enable them to acquire or improve elements of the Network that lie within the responsibility of their agencies or State agencies; provided that the elements developed with the funds must be available for use by the State or by local governments without cost and the applicable State agencies join in the request for funding.
 - (4) To provide assistance to local governments for the financial and systems planning for Network-related automation and to coordinate and assist the Network users of this State in soliciting bids for information technology hardware, software, and services in order to assure compliance with the Board's technical standards, to gain the most advantageous contracts for the Network users of this State, and to assure financial accountability where State funds are used.
 - (5) To provide a liaison among local government users and to advocate on behalf of the Network and its users in connection with legislation affecting the Network.
 - (6) To facilitate the sharing of knowledge about information technologies among users of the Network.
 - (7) To take any other appropriate actions to foster the development of the Network.
 - (8) To employ the services of an Executive Director who shall report solely to the Board.
 - (9) To exercise administrative control over the operational budget established by the Board and appropriated by the General Assembly.
 - (10) To exercise sole authority and control over employee positions allotted to the Board, including the authority to establish qualifications, classification, and salary levels for its employees and determine appropriate methods of screening for candidates, interviewing, hiring, and day-to-day management of Board employees.

(b) All grants or other uses of funds appropriated or granted to the Board shall be conditioned on compliance with the Board's technical and other standards. (1996, 2nd Ex. Sess., c. 18, s. 23.3(a); 2003-284, s. 17.2(b); 2004-129, s. 43; 2015-241, ss. 7A.2(e), 7A.3(1), 7A.4(w); recodified from N.C. Gen. Stat. § 143B-1393 by 2021-180, s. 19A.7A(b), (c).)

§ 143B-1207. Election of officers; meetings; staff, etc.

(a) The Governor shall call the first meeting of the Board. At the first meeting, the Board shall elect a chair and a vice-chair, each to serve a one-year term, with subsequent officers to be elected for one-year terms. The Board shall hold at least two regular meetings each year, as provided by policies and procedures adopted by the Board. The Board may hold additional meetings upon the call of the chair or any three Board members. A majority of the Board membership constitutes a quorum.

(b) The staff of the Criminal Justice Information Network shall provide the Board with professional and clerical support and any additional support the Board needs to fulfill its mandate. The Board's staff shall use space provided by the Department of Information Technology.

(c) The Department shall provide office space and administrative support for the Board's staff and shall provide technical assistance to the Board at the request of the Board. (1996, 2nd Ex. Sess., c. 18, s. 23.3(a); 2003-284, s. 17.1(b); 2011-145, ss. 6A.11(c), 19.1(g); 2015-241, ss. 7A.2(f), 7A.3(1); recodified from N.C. Gen. Stat. § 143B-1394 by 2021-180, s. 19A.7A(b), (c).)