

CHAPTER 247

REGULATION OF BUSINESS SCREENING SERVICES' HANDLING OF CRIMINAL HISTORY RECORD INFORMATION

(REALLOCATED FROM TITLE 10, CHAPTER 239)

§1500-NN. Definitions

(REALLOCATED FROM TITLE 10, SECTION 1500-AA)

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §56 (RAL).]

1. Business screening service. "Business screening service" means a person regularly engaged in the business of collecting, assembling, evaluating or disseminating criminal history record information related to specific individuals for a fee. "Business screening service" does not include a government entity or the news media.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §56 (RAL).]

2. Conviction. "Conviction" means any of the following accepted and recorded by the court:

A. A plea of guilty; or [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §56 (RAL).]

B. A verdict of guilty by a jury or a finding of guilty by the court. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §56 (RAL).]

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §56 (RAL).]

3. Criminal history record information. "Criminal history record information" or "record" has the same meaning as in Title 16, section 703, subsection 3.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §56 (RAL).]

SECTION HISTORY

PL 2025, c. 513, §1 (NEW). RR 2025, c. 2, Pt. A, §56 (RAL).

§1500-OO. Criminal records

(REALLOCATED FROM TITLE 10, SECTION 1500-BB)

A business screening service may disseminate only criminal history record information that reflects the complete and accurate record provided by the source of the criminal history record information. A complete and accurate record is a record that has been updated within 30 days of its receipt or been verified with the source of the criminal history record information within the previous 90 days as being up-to-date. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §57 (RAL).]

SECTION HISTORY

PL 2025, c. 513, §1 (NEW). RR 2025, c. 2, Pt. A, §57 (RAL).

§1500-PP. Correction and deletion of criminal history record information

(REALLOCATED FROM TITLE 10, SECTION 1500-CC)

If the completeness or accuracy of criminal history record information maintained by a business screening service is disputed by the individual who is the subject of the record, the business screening service shall, without charge, investigate the disputed record. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

1. Investigations. In conducting an investigation, the business screening service shall review and consider all relevant information submitted by the subject of the criminal history record information with respect to the disputed record to determine whether the record maintained by the business screening service accurately reflects the content of the official record, as maintained by the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

2. Correction and deletion of criminal history record information. If, upon investigation, the business screening service determines that the criminal history record information does not accurately reflect the content of the official record, the business screening service shall correct the disputed record so as to accurately reflect the content of the official record. If the disputed record is found to be sealed or the subject of a pardon, the business screening service shall promptly delete the record. A business screening service that complies with this subsection has satisfied its obligation to correct or delete records pursuant to this section.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

3. Terminating frivolous investigations. A business screening service may terminate an investigation of disputed criminal history record information if the business screening agency reasonably determines that the dispute is frivolous, and that determination may be based on the failure of the subject of the record to provide sufficient information to investigate the disputed record. Upon making a determination that the dispute is frivolous, the business screening service shall inform the subject of the record of the specific reasons why it has determined that the dispute is frivolous and provide a description of any information required to investigate the disputed record.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

4. Notice to subject of criminal history record information. Within 30 days from the date when the business screening service receives notice that the subject of a criminal history record information is disputing the record, the business screening service shall notify the subject of the record of the results of the investigation, including:

A. Whether the investigation was completed or terminated; and [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

B. Any records corrected or deleted as a result of the investigation. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §58 (RAL).]

SECTION HISTORY

PL 2025, c. 513, §1 (NEW). RR 2025, c. 2, Pt. A, §58 (RAL).

§1500-QQ. Date and notice required

(REALLOCATED FROM TITLE 10, SECTION 1500-DD)

A business screening service that disseminates criminal history record information that was collected on or after July 1, 2010, shall include the date when the record was collected by the business screening service and a notice that the information may include criminal history record information that has been sealed or otherwise has become inaccessible to the public since that date. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §59 (RAL).]

SECTION HISTORY

PL 2025, c. 513, §1 (NEW). RR 2025, c. 2, Pt. A, §59 (RAL).

§1500-RR. Effect of Fair Credit Reporting Act; violation; jurisdiction; remedies

(REALLOCATED FROM TITLE 10, SECTION 1500-EE)

Violations of this chapter are governed by this section. [PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §60 (RAL).]

1. Violation. A business screening service is considered to be in compliance with this chapter if the business screening service is in compliance with those provisions of the federal Fair Credit Reporting Act, 15 United States Code, Chapter 41, Subchapter III that regulate maintaining accuracy of records; investigations of disputed records, including correction and deletion of records; and providing a notice with disseminated records similar to that required in section 1500-DD. If the conduct of a business screening service violates both the federal provisions described in this subsection and the provisions of this chapter, the business screening service is in violation of this chapter and is liable to the individual who is the subject of the criminal history record information in accordance with subsection 3.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §60 (RAL).]

2. Foreign corporations; service of process and jurisdiction. A business screening service, that is a foreign corporation, that disseminates criminal history record information in this State or that obtains a criminal record from a government entity or a court in this State is considered to have consented to service of process in this State for purposes of Title 13-B, sections 1212-A and 1213 or any other applicable law and to the jurisdiction of courts in this State for actions involving a violation of this chapter as described in subsection 1 or for the recovery of remedies under this chapter. For the purposes of this subsection, "foreign corporation" has the same meaning as in Title 13-B, section 102, subsection 6.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §60 (RAL).]

3. Remedies. A business screening service considered in violation of this chapter as described in subsection 1 is liable to the individual who is the subject of the criminal history record information for a penalty of \$1,000 or actual damages caused by the violation, whichever is greater, plus costs and disbursements and reasonable attorney's fees.

[PL 2025, c. 513, §1 (NEW); RR 2025, c. 2, Pt. A, §60 (RAL).]

SECTION HISTORY

PL 2025, c. 513, §1 (NEW). RR 2025, c. 2, Pt. A, §60 (RAL).

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