

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY
Criminal Information Center

Policy

The Center currently processes a number of criminal history background checks by name and/or fingerprints. Included below is a brief description of each check. A fee schedule, provided in Section 9.0.1, summarizes the statutory authority, type and cost of check, and contact person.

1. Billable Applicant Fingerprint Checks

A memorandum of understanding must be executed between the Center (CIC) and any state agency that is authorized by Mississippi or federal statute to conduct criminal history checks of applicant/employee, licensees or volunteers. The Federal Bureau of Investigation (FBI) through CIC assigns the state agency an originating agency identifier number (ORI). Unless the state agency uses Livescan electronic fingerprint equipment, the FBI provides the agency with fingerprint cards that contain the state agency's ORI. A fingerprint card or the Livescan equipment is necessary to conduct a fingerprint-based criminal history background check. The individual is fingerprinted on the agency's card or on a Livescan; the requesting state agency submits the fingerprints to CIC for a check of the Mississippi criminal history database. Upon completion of the state check, CIC forwards the fingerprints to the FBI for a nationwide check. Unless otherwise specified, CIC returns the results of each criminal background check to the requesting state agency, who determines an applicant's fitness for employment, licensing or for volunteer work. There is a \$32.00 fee for each applicant/employee fingerprint check and an \$23.00 fee for each volunteer fingerprint check. The FBI bills CIC for each nationwide fingerprint check; CIC bills the state agency requesting the fingerprint check. The requesting state agency pays CIC for the nationwide check and the state check; CIC forwards the appropriate fee to the FBI.

A. Alcoholic Beverage Control

The Alcohol Beverage Control Commission (ABC) is required to conduct a criminal history check on each applicant for an alcoholic beverage license and on the applicant's key employees, as determined by ABC. The applicant and applicant's key employees are fingerprinted by a local law enforcement agency on fingerprint cards supplied by ABC. The fingerprint cards are returned to ABC; ABC submits the fingerprint cards to CIC. The fingerprint cards are checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. A fee of \$32.00 is charged by the CIC to process a record check based on the fingerprint card.

Statutory Authority: Miss. Code Ann. §67-1-57

B. Check Cashing Business

Mississippi Department of Banking and Consumer Finance (Banking) is required to submit a request for fingerprint checks for its check cashing applicants. Banking provides the fingerprint cards to the applicant and submits the applicant's fingerprint cards to CIC. CIC

checks the fingerprints against the Mississippi criminal history system database and then forwards the fingerprints to the FBI for a national criminal history record check. CIC charges a \$32.00 fee to process a fingerprint-based record check.

Statutory Authority: Miss. Code Ann. §75-67-509

C. Child Care Facilities Licensed by Mississippi Department of Health

Childcare facilities require all prospective and current care givers to undergo a criminal history background check to determine suitability for employment. The Mississippi Department of Health (MDH) provides the fingerprint cards to the facilities. The fingerprints are submitted to CIC by MDH, checked against the Mississippi criminal history system database, and forwarded to the FBI for a national criminal history record check. CIC charges a \$32.00 fee to process a fingerprint-based check for an employee and a fee of \$23.00 for a volunteer. The MDH is authorized to set fees in addition to those charged by the CIC and the FBI.

Statutory Authority: Miss. Code Ann. §43-20-8

D. Child Residential Agencies and Foster Parents/Homes

Any person, institution, facility, clinic, organization or other entity that provides services to children in a residential setting as described in *Miss. Code Ann. Section 43-15-6 (1)* must undergo a national criminal history record check and a child abuse registry check. This includes every owner, operator, employee, prospective employee, volunteer, prospective volunteer or person who may have unsupervised access to a child served by the entities described in *Miss. Code Ann. Section 43-15-6 (1)*. The Mississippi Department of Human Services (DHS) provides the fingerprint card to the individual or entity. DHS submits the fingerprint card to CIC, where it is checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. A fee of \$32.00 is charged by the CIC to process a fingerprint-based record check for an employee and \$23.00 for a volunteer. The DHS is authorized to set fees in addition to those charged by the CIC and the FBI.

Statutory Authority: Miss. Code Ann. §43-15-6

E. Community (Regional) Mental Health Center Employees and/or Volunteers

The 15 Community (Regional) Mental Health - Mental Retardation Centers in Mississippi (CMHC) are authorized to fingerprint and perform a criminal history records check on every employee and volunteer of each community mental health facility. Each CMHC submits its own applicant/employee or volunteer set of fingerprints to CIC. The CMHC provides the fingerprint card to the applicant/volunteer. The applicant/volunteer is fingerprinted; the CMHC submits the fingerprint card to CIC; the CIC checks the fingerprints against the Mississippi criminal history system database and forwards the fingerprint images to the FBI for a national criminal history record check. The results of the check are sent from the FBI to CIC and then to the CMHC. Each CMHC determines the suitability of the applicant or volunteer for employment or service. A \$32.00 fee is charged to process a fingerprint-based record check for an applicant/employee and \$23.00 for a volunteer.

Statutory Authority: Miss. Code Ann. §41-19-33

F. Gaming

All applicants for a gaming license, licensees and gaming employees of a licensee are required to be fingerprinted. The Gaming Commission provides the fingerprint card to applicant/licensee/employee. Gaming submits the fingerprint card to CIC, where it is checked against the Mississippi criminal history system database and forwarded to the FBI

for a national criminal history record check. There is a \$32.00 fee to process a fingerprint-based record check. *Statutory Authority: Miss. Code Ann. §75-76-33*

G. Home Health Care Agencies and Nursing Facilities

Any home health care agency or nursing facility may require applicants for employment to undergo a criminal history record check. The fingerprint cards are provided to the facility by the Mississippi State Department of Health (MDH). The agency or facility submits the fingerprints to the MDH along with a statement signed by the applicant authorizing the record check, in accordance with Public Law #105-277. The MDH submits the set of fingerprints to CIC. The fingerprints are checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. CIC returns the results of the criminal history records check to the MDH to be disseminated to the requesting facility. The facility determines the suitability of the applicant for employment. A \$32.00 fee is charged to process an applicant/employee fingerprint-based record check and \$23.00 for a volunteer.

Statutory Authority: Public Law #105-277 (note to 28 U.S.C. §534)

H. Home Health Care Agencies, Hospitals, Hospices, Nursing and Personal Care Homes

The Mississippi State Department of Health (MDH) is required to have every new employee of a licensed entity, who provides direct patient care and who is employed after July 1, 2002, and every employee of a licensed entity employed prior to July 1, 2002 who has a documented disciplinary action by his present employer, to undergo a criminal history background check to determine suitability for employment. MDH provides the fingerprint card to the applicant/employee to be fingerprinted. MDH submits the fingerprint card to CIC to be checked against the Mississippi criminal history system database, and forwarded to the FBI for a national criminal history record check. CIC returns the results of the criminal history check to the MDH, which determines the suitability of the applicant for employment. CIC charges \$32.00 to process a fingerprint-based check for an employee/applicant and \$23.00 for a volunteer. *Statutory Authority: Miss. Code Ann. §43-11-13*

I. Information Technology Services

To qualify for the position of an information confidentiality officer with the Department of Information Technology Services, a person must undergo a criminal history record check. The person is fingerprinted and the set of fingerprints is forwarded to the CIC, checked against the Mississippi criminal history system database, and forwarded to the FBI for a national criminal history record check. A fee of \$32.00 is charged to process this check.

Statutory Authority: Miss. Code Ann. §25-53-51

J. Ms. Dept. of Mental Health Employees and/or Volunteers

The Mississippi Board of Mental Health (MH) is authorized to fingerprint and perform a criminal history records check on every employee and volunteer. MH submits the applicant/employee or volunteer set of fingerprints to CIC. The fingerprints are checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. The results of the check are sent from the FBI to CIC and then to the MH. MH determines the suitability of the applicant or volunteer for employment. A \$32.00 fee is charged to process a fingerprint-based record check for an applicant/employee and \$23.00 for a volunteer. *Statutory Authority: Miss. Code Ann. §41-4-7*

K. Mortgage Companies

Applicants of mortgage companies applying for registration or licensure from the Department of Banking and Consumer Finance (Banking) are required to undergo criminal history record checks. The fingerprint cards are provided to the applicant by Banking. Banking submits a set of fingerprints obtained by a local law enforcement entity to CIC. The prints are checked against the Mississippi criminal history system database and forwarded to the Federal Bureau of Investigation for a national criminal history record check. A fee of \$32.00 is charged to process the record check. *Statutory Authority: Miss. Code Ann. §81-18-13*

L. Non-governmental Entity or Employer

State conviction information shall be made available for the following non-criminal justice purpose: To any non-governmental entity or any employer authorized either in writing by the person who is the subject of a requested record or if authorized by state or federal law to receive such information. Information disseminated for non-criminal justice purposes shall be used only for the purpose for which it was made available and may not be re-disseminated. The existence or non-existence of criminal history record information shall not be confirmed to any person or organization that is not eligible by law to receive the information. Non-conviction information shall not be available for non-criminal justice purposes. Non-governmental entity or employer requests must provide proper identification and authorization information from the person who is the subject of a requested record and any request must further adhere to the C.I.C. policies established for obtaining record checks.

The statutory right to review a person's own criminal history record information, shall not be used by a prospective employer or others as a means to circumvent procedures or fees for accessing records for non-criminal justice purposes. The C.I.C. may impose procedures, including the submission of fingerprints, fees or restrictions, as are reasonable and necessary for security, to verify identities, and for orderly and efficient information access. Release of State conviction information for non-criminal justice purposes shall be made only by the Center pursuant to certain statutory limitations. Such records will not be released or disclosed for non-criminal justice purposes by other agencies in the State. There is a \$32.00 fee to process the fingerprint check. *Statutory Authority: Miss. Code Ann. §45-27-12*

M. Pawn Brokers

Applicants for a pawn brokers license are required to submit a set of fingerprints to the Department of Banking and Consumer Finance (Banking). The fingerprint cards are provided to the applicant by the Banking. Banking submits the fingerprint card to CIC to be checked against the Mississippi criminal history system database and forwarded to the Federal Bureau of Investigation for a national criminal history record check. A fee of \$32.00 is charged to process the record check. The results of the check are sent to the Department of Banking and Consumer Finance to determine an applicant's suitability for employment.

Statutory Authority: Miss. Code Ann. §75-67-323

N. State Board of Pharmacy Applicants for License

[Miss. Pharmacy Board]

(a.) To insure that all applicants are of good moral character, the board conducts a criminal history records check on all applicants for a license. To determine suitability for licensing, the applicant must be fingerprinted. The board submits fingerprints to the CIC for check of the state criminal records and forward to the FBI for the national criminal records check. The CIC disseminates the results of the state check and the national check to the board for suitability determination. The board is authorized to collect from the applicant the fee amount which the CIC charges the board for the fingerprinting, whether manual or electronic, and that is charged for the state and national criminal history records checks. CIC charges \$32.00 to process a fingerprint-based check for an applicant.
Statutory Authority: Miss. Code Ann. §73-21-85

State Board of Pharmacy Technicians

[Miss. Pharmacy Board]

(b.) To insure that all applicants are of good moral character, the board conducts a criminal history records check on all applicants for a technician license or registration. To determine suitability for licensing, the applicant must be fingerprinted. The board submits fingerprints to the CIC for check of the state criminal records and forward to the FBI for the national criminal records check. The CIC disseminates the results of the state check and the national check to the board for suitability determination. The board is authorized to collect from the applicant the fee amount which the CIC charges the board for the fingerprinting, whether manual or electronic, and that is charged for the state and national criminal history records checks. CIC charges \$32.00 to process a fingerprint-based check for an applicant.

Statutory Authority: Miss. Code Ann. §73-21-111

O. Private or Nonpublic Schools

Any nonpublic school which is accredited or approved by the State Board of Education may avail itself of the criminal record information and registry check procedure that is provided for public schools and shall be responsible for the same fee charged as for local public schools. [Reference is to the paragraph below for: M. Public Schools.] The applicant / employee is fingerprinted on a card provided by the school district. Each [public] school district submits the applicant's fingerprint card to the C.I.C. for check against the Mississippi criminal history database system and forward to the FBI for a national criminal history record check. The determination whether the applicant has a disqualifying crime shall be made by the appropriate governmental authority, who shall notify the private firm whether a disqualifying crime exists. C.I.C. imposes a \$32.00 fee to process the record checks for each employee.

Statutory Authority: Miss. Code Ann. §37-9-17

P. Public Schools

Each superintendent of a school district is required to obtain criminal record background checks and child abuse registry checks for all persons applying, after July 1, 2000, for employment as a licensed or non-licensed employee at a school within that district. The applicant/employee is fingerprinted on a card provided by the employing school district. Each school district submits the applicant's fingerprint card to CIC to check against the Mississippi criminal history database system and to forward to the FBI for a national criminal history record check. CIC imposes a \$ 32.00 fee to process the record checks for employees.

Statutory Authority: Miss. Code Ann. §37-9-17

Q. Public School Attendance Officers

The Department of Education (Education) is required to obtain criminal record background checks and child abuse registry checks on all persons applying for school attendance officers after July 2, 2002. Education shall submit the applicant's fingerprint card to CIC to check against the Mississippi criminal history database system and to forward to the FBI for a national criminal history record check. CIC charges a \$32.00 fee for processing a fingerprint check.

Statutory Authority: Miss. Code Ann. §37-13-89

R. Title Pledge Lenders

Title pledge lenders (or sales finance companies which engage in the business of purchasing retail installment contracts from one or more retail sellers) are required to be licensed by the Department of Banking and Consumer Finance (Banking). Banking submits the applicant/licensee's set of fingerprints to CIC for a record check against the Mississippi criminal history database. CIC then forwards the prints to the FBI for a national criminal history record check. The fee for processing the record check is \$32.00.

Statutory Authority: Miss. Code Ann. §75-67-421

S. University of Mississippi Medical Center Employees

The University of Mississippi Medical Center is required to fingerprint and perform a criminal history record check on all new employees that work in or provide direct patient care. No employee of UMMC hired on or after July 1, 2004, is permitted to provide direct patient care until the results of the criminal history record check have revealed no disqualifying record or the employee has been granted a waiver. To determine suitability for employment, the applicant must be fingerprinted. Fingerprints are submitted to the CIC by UMMC via scanning or other electronic method. If no disqualifying record is identified at the state level, the applicant's fingerprints must then be forwarded to the FBI for a national criminal history record check. CIC returns the results of any criminal history check to the UMMC, which determines the suitability of the applicant for employment. CIC charges \$32.00 to process a fingerprint-based check for an employee/applicant.

Statutory Authority: Miss. Code Ann. §37-115-41

2. State Name Checks

In order to process a name check with this Center, authorized agencies must make a written request, which includes the following information:

- Applicant=s name;
- Applicant=s social security number;
- Applicant=s date of birth; and
- Position for which application was received

A release form signed by the applicant/employee must accompany the submission of a request for a name check. Requests should be sent to the Center either via facsimile to (601) 933-2695 or mail to:

Criminal Information Center
Name Checks

Post Office Box 958
Jackson, Mississippi 39205

Since a fingerprint is not supplied to CIC in order to perform this type check, the CIC cannot guarantee in any manner that the response on the criminal history check concerns the person who is the subject of the search.

A. Criminal Justice/Law Enforcement Agencies (governmental)

The Mississippi Justice Information Center makes available to all local and state criminal justice agencies, federal criminal justice agencies and criminal justice agencies in other states, any information in the files of CIC, which will aid the agencies in the performance of their official duties. The Center will compare the request for information with its database to determine whether a criminal record exists and will provide the appropriate information to the requesting agency or officer free of charge. *Statutory Authority: Miss. Code Ann. §45-27-7*

B. Military

The Armed Forces conduct criminal history record checks on all applicants for enlistment in the armed forces and for participation in programs of armed forces that require a determination of trustworthiness. The check is a name-based check for no fee. The results of the check will be confidential and will not be disclosed except to facilitate military recruiting.

Statutory Authority: 10 U.S.C. §520a

C. Mississippi Sex Offender Registry

Refer to Sections 12.4 and 12.5 of this manual.

3. Other Types of Checks

Other types of checks are required for criminal justice/law enforcement entities, federal childcare facilities, and for the issuance of gun permits. The procedures for these checks are provided below.

A. Criminal Justice/Law Enforcement Agencies (governmental)

The Mississippi Justice Information Center makes available to all local and state criminal justice agencies, federal criminal justice agencies and criminal justice agencies in other states, any information in the files of the Center, which will aid the agencies in the performance of their official duties. All state criminal justice agencies are required to submit to the Center fingerprints, descriptions, photographs and other pertinent identifying data on persons who have been lawfully arrested or taken into custody in this state for all felonies and certain misdemeanors described in Section 45-27-7 (2) (a). There is no fee charged for a name or fingerprint record check for these agencies.

Statutory Authority: Miss. Code Ann. §45-27-7

B. Federal Child Care Facilities

All existing and newly hired employees of agencies and facilities operated by the federal government that hire, or contract for hire, individuals involved with the provision of child care services are required to undergo a criminal history background check. The personnel department of the applicable federal agency must initiate the criminal history record check.

The employing federal agency submits the applicant/employee's card to CIC for a check of

the Mississippi criminal history system database only. CIC returns the results to the federal agency. There is a fee imposed by CIC for these checks.

Statutory Authority: 42 U.S.C. §13041 and Miss. Code Ann. §45-27-12

C. Gun Permits

1. The Mississippi Department of Public Safety (DPS) shall fingerprint every person applying for a license to carry a concealed pistol or revolver. DPS shall submit the applicant's fingerprints to CIC to be checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. CIC returns the results of the check to DPS. There is a \$32.00 fee to process the fingerprint check.

Statutory Authority: Miss. Code Ann. §45-9-101

2. Private Security / Guard

All employees of a patrol service or guard service, all bank guards, railroad guards, non-sworn law enforcement officers and other private security guards, as designated in *Miss. Code Ann. §97-37-7*, applying for a permit to carry a concealed weapon shall be fingerprinted by DPS. DPS submits the applicant's fingerprints to CIC to be checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. CIC returns the results of the check to DPS. There is a \$32.00 fee to process the fingerprint check.

Statutory Authority: Miss. Code Ann. §97-37-7

Procedure

Applicant/employee/licensee/volunteer fingerprint checks may be submitted to the CIC in person, electronically or by mail. A sample fingerprint card is in Section 9.0.2.

All written requests from authorized agencies (listed in the charts depicted throughout this section) must be submitted in writing on the agency's letterhead. The fingerprint card for the individual whose record is to be checked must be included in the request. Response time will generally be three (3) to six (6) weeks for mailed requests.

Electronically submitted fingerprint cards are generally processed within twenty-four (24) to thirty-six (36) hours unless the record is identified with a manual record at the FBI or matches a record submitted by an NFF (National Fingerprint File) maintained by a state. In those cases, a delayed turnaround time should be expected.

The Technician reviews the card to ensure the fingerprints are legible and all required information is provided. If not, a Resolution Form is completed and returned to the requestor. A sample Resolution Form is provided in Section 9.0.3.

No Record Found

A. Fingerprint Based Check

If the criminal history check for a fingerprint based search determines that a record does not exist for the individual, a computer-generated response will indicate that there is "No Record".

B. Name Based Check

If the criminal history check for a name based search indicates that a record does not exist for the individual, the original request will be stamped to read as follows:

No record located

Mississippi Name Check Only

Since neither a fingerprint or other identification on this individual was supplied to the Center, we can not guarantee in any manner this response concerns the person in which you are interested.

Furnished to:

Agency:

Date: By:

Mississippi Justice Information Center

The Technician will sign his or her name on the line entitled "By". The results of the record check will be handled in accordance with the various requirements of the statutes as noted in the individual agency information stated above.

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