



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

United States Code Annotated

Title 28. Judiciary and Judicial Procedure (Refs & Annos)

Part II. Department of Justice (Refs & Annos)

Chapter 33. Federal Bureau of Investigation (Refs & Annos)

28 U.S.C.A. § 534

§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

Effective: October 1, 2022

[Currentness](#)

(a) The Attorney General shall--

- (1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;
- (2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;
- (3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin);
- (4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, including State sentencing commissions, Indian tribes, cities, and penal and other institutions; and
- (5) provide a person licensed as an importer, manufacturer, or dealer of firearms under chapter 44 of title 18 with information necessary to verify whether firearms offered for sale to such licensees have been stolen.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies, except for dissemination authorized under subsection (a)(5) of this section.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) **Indian law enforcement agencies.--**

(1) In general.--The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies--

(A) to access and enter information into Federal criminal information databases; and

(B) to obtain information from the databases.

(2) Tribal Access Program.--

(A) In general.--The Attorney General shall establish a program, to be known as the “Tribal Access Program”, to enhance the ability of tribal governments and their authorized agencies to access, enter information into, and obtain information from national criminal information databases under this section.

(B) Authorization of appropriations.--There is authorized to be appropriated to carry out the Tribal Access Program under subparagraph (A) \$6,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(3) Information sharing.--To the extent otherwise permitted by law, any report issued as a result of the analysis of information entered into national criminal information databases or obtained from Federal criminal databases shall be shared with each Indian tribe of jurisdiction, including Indian tribes located in the State of Maine.

(e) For purposes of this section, the term “other institutions” includes--

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal, tribal, and State criminal justice agencies authorized to enter information into criminal information databases may include--

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection--

(A) the term “national crime information databases” means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term “protection order” includes--

(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

CREDIT(S)

(Added [Pub.L. 89-554](#), § 4(c), Sept. 6, 1966, 80 Stat. 616; amended [Pub.L. 97-292](#), §§ 2, 3(a), Oct. 12, 1982, 96 Stat. 1259; [Pub.L. 100-690](#), Title VII, § 7333, Nov. 18, 1988, 102 Stat. 4469; [Pub.L. 103-322](#), Title IV, § 40601(a), Sept. 13, 1994, 108 Stat. 1950; [Pub.L. 107-273](#), Div. A, Title II, § 204(c), Div. B, Title IV, § 4003(b)(4), Div. C, Title I, § 11004, Nov. 2, 2002, 116 Stat. 1776, 1811, 1816; [Pub.L. 109-162](#), Title I, § 118, Title IX, § 905(a), Jan. 5, 2006, 119 Stat. 2989, 3079; [Pub.L. 109-248](#), Title I, § 153(i), July 27, 2006, 120 Stat. 611; [Pub.L. 111-211](#), Title II, § 233(a), July 29, 2010, 124 Stat. 2279; [Pub.L. 111-369](#), § 2, Jan. 4, 2011, 124 Stat. 4068; [Pub.L. 117-103](#), Div. W, Title VIII, § 802(b), Mar. 15, 2022, 136 Stat. 898; [Pub.L. 117-159](#), Div. A, Title II, § 12004(h)(2), June 25, 2022, 136 Stat. 1331.)

Notes of Decisions (100)

28 U.S.C.A. § 534, 28 USCA § 534

Current through P.L. 117-262. Some statute sections may be more current, see credits for details.