

Carolina Investigative Research

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State Laws and the Public Record

Criminal history information available from the following states is subject to specific State Statute in each. Information publicly available, or which may be provided by the court, or by law enforcement agencies does not necessarily constitute reportable information for employment screening purposes. Please review the following.

CALIFORNIA

PER CALIFORNIA CIVIL CODE; 1786.18.(a)(7) & (8)

(a) Except as authorized under subdivision (b), no investigative consumer reporting agency shall make or furnish any investigative consumer report containing any of the following items of information:

(7) Records of arrest, indictment, information, misdemeanor complaint, or conviction of a crime that, from the date of disposition, release, or parole, antedate the report by more than seven years. These items of information shall no longer be reported if at any time it is learned that, in the case of a conviction, a full pardon has been granted or, in the case of an arrest, indictment, information, or misdemeanor complaint, a conviction did not result; except that records of arrest, indictment, information, or misdemeanor complaints may be reported pending pronouncement of judgment on the particular subject matter of those records.

(8) Any other adverse information that antedates the report by more than seven years.

(b) The provisions of subdivision (a) are not applicable in the case of any investigative consumer report to be used in the underwriting of life insurance involving, or that may reasonably be expected to involve, an amount of two hundred fifty thousand dollars (\$250,000) or more.

COLORADO

PER COLORADO STATE STATUTE: Title 12 Article 14.3 Section 105.3

(1) Except as authorized under subsection (2) of this section, No consumer reporting agency shall make any consumer report containing any of the following items of information:

(a) Cases under Title 11 of the United States Code, or under the Federal Bankruptcy act that, from the date of entry of the order for relief or the date of adjudication, predate the report by more than ten years;

(b) Suits and judgments that, from the date of entry, predate the report by more than seven years

- or by more than the governing statute of limitations, whichever is the longer period;
 - (c) Paid tax liens that, from the date of payment, predate the report by more than seven years;
 - (d) Accounts placed for collection or charged to profit and loss that predate the report by more than seven years;
 - (e) Records of arrest, indictment, or conviction of a crime that, from the date of disposition, release, or parole, predate the report by more than seven years;
 - (f) Any other adverse item of information that predates the report by more than seven years;
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GEORGIA STATEWIDE (THROUGH G.C.I.C.)

PER GEORGIA GENERAL ASSEMBLY UNANNOTATED CODE: 35-3-34

(a) The center shall be authorized to:

(1) Make criminal history records maintained by the center available to private persons and business under the following conditions:

(A) Private individuals and businesses requesting criminal history records shall, at the time of the request, provide the fingerprints of the person whose records are requested or provide a signed consent of the person whose records are requested on a form prescribed by the center which shall include such person's full name, address, social security number and date of birth;

(B) The center may not provide records of arrests, charges, and sentences for crimes relating to first offenders pursuant to Article 3 of Chapter 8 of Title 42 in cases where offenders have been exonerated and discharged without court adjudication of guilt, except as specifically authorized by Code Section 35-3-34.1 or other law;

(c) Neither the center, its employees, nor any agency or employee of the state shall be responsible for the accuracy of information nor have any liability for defamation, invasion of privacy, negligence, or any other claim in connection with the dissemination pursuant to this Code section and shall be immune from suit based upon such claims.

KANSAS

PER KANSAS STATE STATUTE: 50-704. Obsolete information. (a) Except as authorized under subsection (b) of this section, no consumer reporting agency may make any consumer report containing any of the following items of information:

(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen (14) years;

(2) suits and judgments which, from date of entry, antedate the report by more than seven (7) years or until the governing statute of limitations has expired, whichever is the longer period;

(3) paid tax liens which, from date of payment, antedate the report by more than seven (7) years;

(4) accounts placed for collection or charged to profit and loss which antedate the report by more than seven (7) years;

(5) records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven (7) years; and

(6) any other adverse item of information which antedates the report by more than seven (7) years.

(b) The provisions of subsection (a) of this section are not applicable in the case of any

consumer credit report to be used in connection with

- (1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of fifty thousand dollars (\$50,000) or more;
- (2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of fifty thousand dollars (\$50,000) or more; or
- (3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal twenty thousand dollars (\$20,000), or more.

KENTUCKY

PER KENTUCKY STATE CODE: KRS 367.310

No consumer reporting agency shall maintain any information in its files relating to any charge in a criminal case, in any court of this Commonwealth, unless the charge has resulted in a conviction.

MASSACHUSETTS

PER MASSACHUSETTS STATE LAW: TITLE XV CHAP.93 -SEC.52

(a) Except as authorized under subsection (b) no consumer reporting agency shall make any consumer report containing any of the following items of information:

- (1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.
- (2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.
- (3) Paid tax liens which, from date of payment, antedate the report by more than seven years.
- (4) Accounts placed for collection or charged to profit and loss which antedates the report by more than seven years.
- (5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.
- (6) Any other adverse item of information which antedates the report by more than seven years.

(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with--

- (1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;
- (2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or
- (3) the employment of any individual at an annual salary which equals or which may reasonably be expected to equal twenty thousand dollars or more.

MARYLAND

PER MARYLAND COMMERCIAL LAW: 14-1203 (a) Except as authorized under subsection (b) of this section, no consumer reporting agency may make any consumer report containing any

of the following items of information:

- (1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than 10 years;
- (2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;
- (3) Paid tax liens which, from date of payment, antedate the report by more than seven years;
- (4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years;
- (5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years; or
- (6) Any other adverse item of information which antedates the report by more than seven years.

(b) The provisions of subsection (a) of this section are not applicable in the case of any consumer credit report to be used in connection with:

- (1) A credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$50,000 or more;
- (2) The underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$50,000 or more; or
- (3) The employment of any individual at an annual salary which equals, or which may reasonably be expected to equal, \$20,000 or more.

MONTANA

PER MONTANA ANNOTATED CODE 2005: 31-3-112. Obsolete information.

No consumer reporting agency may make any consumer report containing any of the following items of information:

- (1) bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than 14 years;
- (2) suits and judgments which, from date of entry, antedate the report by more than 7 years or until the governing statute of limitations has expired, whichever is the longer period;
- (3) paid tax liens which, from date of payment, antedate the report by more than 7 years;
- (4) accounts placed for collection or charged to profit and loss which antedate the report by more than 7 years;
- (5) records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than 7 years;
- (6) any other adverse item of information which antedates the report by more than 7 years.

NEW HAMPSHIRE

PER NEW HAMPSHIRE CODE: Section 359-B: 5 Obsolete Information.

I. Except as authorized under paragraph II, no consumer reporting agency may make any consumer report containing any of the following items of information:

- (a) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than 14 years.

- (b) Suits and judgments which, from date of entry, antedate the report by more than 7 years or until the governing statute of limitations has expired, whichever is the longer period.
- (c) Paid tax liens which, from date of payment, antedate the report by more than 7 years.
- (d) Accounts placed for collection or charged to profit and loss which antedates the report by more than 7 years.
- (e) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than 7 years.
- (f) Any other adverse item of information which antedates the report by more than 7 years.

II. The provisions of paragraph I are not applicable in the case of any consumer credit report to be used in connection with:

- (a) A credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$50,000 or more;
- (b) The underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$50,000 or more; or
- (c) The employment of any individual at an annual salary which equals, or which may reasonably be expected to equal, \$20,000 or more.

NEW MEXICO

PER NEW MEXICO STATE STUTE: 56-3-6, - Report information; limitations.

A. A credit bureau may report the following matters for no longer than the specified periods:

- (1) bankruptcies of all types for not longer than fourteen years from the date of adjudication of the most recent bankruptcy;
- (2) accounts placed for collection and accounts charged to profit and loss for not longer than seven years, or until the governing statute of limitations has expired, whichever is the longer period;
- (3) suits and judgments for not longer than seven years from date of entry, or until the governing statute of limitations has expired, whichever is the longer period;
- (4) paid tax liens for not longer than seven years and unpaid tax liens for any length of time;
- (5) arrests and indictments pending trial, or convictions of crimes, for not longer than seven years from date of release or parole. Such items shall no longer be reported if at any time it is learned that after a conviction a full pardon has been granted, or after an arrest or indictment a conviction did not result; and
- (6) any other data not otherwise specified in this section, for not longer than seven years.

B. A credit bureau shall delete as soon as practical any items of derogatory information whenever it is ascertained that the source of information can no longer verify the item in question from its records of original entry.

NEVADA

PER NEVADA STATE CODE: NRS 598C.150

Purging of information from files of reporting agency; disclosure of purged information. A reporting agency shall periodically purge from its files and after purging shall not disclose:

1. Bankruptcies whose dates of adjudication precede the report by more than 10 years. A report of adjudication must include, if known, the chapter of Title 11 of the United States Code under which the case arose.

2. Except as otherwise provided by a specific statute, any other civil judgment, a report of criminal proceedings, or other adverse information which precedes the report by more than 7 years.

NEW YORK

PER NEW YORK STATE CODE: S 380-j, Prohibited information.

(a) No consumer reporting agency shall report or maintain in the file on a consumer, information: (1) relative to an arrest or a criminal charge unless there has been a criminal conviction for such offense, or unless such charges are still pending, (2) relative to a consumer's race, religion, color, ancestry or ethnic origin, or (3) which it has reason to know is inaccurate.

(f) (1) Except as authorized under paragraph two of this subdivision, no consumer reporting agency may make any consumer report containing any of the following items of information.

(v) Records of conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years;

(viii) any other adverse information which antedates the report by more than seven years.

(2) The provisions of this subdivision shall not apply to:

(i) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;

(ii) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or

(iii) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal twenty-five thousand dollars, or more.

TEXAS

PER TEXAS BUSINESS & COMMERCE CODE Chapter 20 Section 20.05

(a) Except as provided by Subsection (b), a consumer reporting agency may not furnish a consumer report containing information related to:

(1) a case under Title 11 of the United States Code or under the federal Bankruptcy Act in which the date of entry of the order for relief or the date of adjudication predates the consumer report by more than 10 years;

(2) a suit or judgment in which the date of entry predates the consumer report by more than seven years or the governing statute of limitations, whichever is longer;

(3) a tax lien in which the date of payment predates the consumer report by more than seven years;

(4) a record of arrest, indictment, or conviction of a crime in which the date of disposition, release, or parole predates the consumer report by more than seven years; or

(5) another item or event that predates the consumer report by more than seven years.

(b) A consumer reporting agency may furnish a consumer report that contains information described by Subsection (a) if the information is provided in connection with:

- (1) a credit transaction with a principal amount that is or may reasonably be expected to be \$150,000 or more;
 - (2) the underwriting of life insurance for a face amount that is or may reasonably be expected to be \$150,000 or more; or
 - (3) the employment of a consumer at an annual salary that is or may reasonably be expected to be \$75,000 or more.
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WASHINGTON

PER WASHINGTON STATE CODE: RCW 19.182.040

Consumer report -- Prohibited information -- Exceptions.

- (1) Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information:
 - (a) Bankruptcies that, from date of adjudication of the most recent bankruptcy, antedate the report by more than ten years;
 - (b) Suits and judgments that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period;
 - (c) Paid tax liens that, from date of payment, antedate the report by more than seven years;
 - (d) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years;
 - (e) Records of arrest, indictment, or conviction of crime that, from date of disposition, release, or parole, antedate the report by more than seven years;
 - (f) Any other adverse item of information that antedates the report by more than seven years.
- (2) Subsection (1) of this section is not applicable in the case of a consumer report to be used in connection with:
 - (a) A credit transaction involving, or that may reasonably be expected to involve, a principal amount of fifty thousand dollars or more;
 - (b) The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of fifty thousand dollars or more; or
 - (c) The employment of an individual at an annual salary that equals, or that may reasonably be expected to equal, twenty thousand dollars or more.