SENATE JUDICIARY
EXHIBIT NO. 1
DATE 1-31-07
BILL NO. SB 342

U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Clarksburg, West Virginia 26306

January 3, 2006

Ms. Nancy Bloom
Bureau Chief
Criminal Justice Information Services Bureau
Information Technology Services Division
Montana Department of Justice
Post Office Box 201406
Helena, MT 59620-1406

Dear Ms. Bloom:

Reference is made to your letter, dated December 14, 2005, with enclosures, requesting a review of proposed revisions to Montana Code Annotated (MtCA) to determine if they meet the requirements of Public Law (Pub. L.) 92-544 for access to FBI criminal history record information (CHRI).

The Access Integrity Unit's (AIU) legal staff completed its review of proposed amendments to MtCA, Sections 37-22-101, 37-22-301, 37-23-101 and 37-23-202, pertaining to social work or professional counseling license. We have concluded that, if enacted as currently drafted, this legislation would qualify under the standards of Pub. L. 92-544 for access to FBI CHRI.

The results of a fingerprint-based national CHRI background check may be redisseminated from the requesting government department to another related governmental agency for the purpose of making the suitability determination, but release to a private entity is prohibited.

When the proposed amendments are enacted into law, they must be resubmitted to the AIU for final review and approval. Should you have further questions concerning this matter, please do not hesitate to contact Ms. Lori L. Bokey of the AIU at (304) 625-2863.

Sincerely yours,

M. McIntyre Sundin

M. McIntyre Sundin
Unit Chief
Access Integrity Unit
Office of the General Counsel