

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 9: CRIMINAL JUSTICE SYSTEM COMPONENTS

§ 9208. Access By Individual for Purpose of Challenge.

(a) Any individual who satisfactorily verifies his identity and complies with applicable criminal justice agency rules and regulations shall be permitted, in person or through counsel, to review and obtain a copy of any criminal history record information or criminal index information concerning him/her maintained by the criminal justice agency receiving the individual's access request, for the purpose of challenging its accuracy or completeness or the legality of its maintenance.

(b) Each criminal justice agency shall adopt and publish rules and procedures to implement this section, including some method of administrative review of any challenge the individual may make and some method of ensuring that appropriate corrections are made and that appropriate notice of such corrections is given to the criminal justice agencies that have received inaccurate or incomplete information. The judicial branch may also adopt in accordance with court administrative procedures or statutory administrative procedures, such rules and procedures as deemed appropriate to implement this section.

(c) Each criminal justice agency, other than the judicial branch, shall provide procedures for appeal before the Criminal Justice Planning Agency, upon such request by the individual, in instances in which a criminal justice agency refuses to correct challenged information to the satisfaction of the individual. Such procedures shall be consistent with statutory administrative procedures established under CNMI law. Such appeal shall include a hearing at which the individual shall be permitted to appear, with or without counsel, to present evidence and to examine or cross-examine witnesses on the issue of whether such criminal justice information relates to him and whether such information shall continue to be maintained.

(d) An individual aggrieved by a decision shall have the right to appeal a final agency decision to the Superior Court on any final decision taken after administrative appeal pursuant to subsection (c) herein.

No individual who obtained any copy of any information regarding himself under this Act may be requested or required to transfer or show such copy to any other person or agency, and any request for such a transfer or disclosure shall be prohibited.

Source: PL 13-53, § 3 (108), modified.

Commission Comment: See the comment to 6 CMC § 9201 regarding PL 13-53.