

D R A F T  
FOR APPROVAL

# UNIFORM CRIMINAL RECORDS ACCURACY ACT

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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MEETING IN ITS ONE-HUNDRED-AND-TWENTY-SEVENTH YEAR  
LOUISVILLE, KENTUCKY  
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# UNIFORM CRIMINAL RECORDS ACCURACY ACT

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ON UNIFORM STATE LAWS

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June 12, 2018

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**UNIFORM CRIMINAL RECORDS ACCURACY ACT**

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**UNIFORM CRIMINAL RECORDS ACCURACY ACT**

**[ARTICLE] 1**

**GENERAL PROVISIONS**

**SECTION 101. SHORT TITLE.** This [act] may be cited as the Uniform Criminal Records Accuracy Act.

**Comment**

*Principles.* This [act] is premised on three principles:

- (1) Society at large has a vital interest in the accuracy of criminal-history-record information.
- (2) Subjects are entitled to have the information kept about them under this [act] be accurate criminal-history-record information.
- (3) The government has an obligation to ensure that the criminal-history-record information that it collects, stores, maintains, submits, and disseminates is accurate.

*Previous act.* The Uniform Law Commission adopted the Uniform Criminal History Records Act in 1986. *See* [http://www.uniformlaws.org/shared/docs/criminal%20history%20records/uchra\\_final\\_86.pdf](http://www.uniformlaws.org/shared/docs/criminal%20history%20records/uchra_final_86.pdf).

**SECTION 102. DEFINITIONS.** In this [act]:

- (1) “Accurate criminal-history-record information” means criminal-history-record information that correctly reflects all reportable events relating to a subject.
- (2) “Administration of criminal justice” means one or more of the following: the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of a subject. The term includes criminal-identification activities and collection, storage, maintenance, submission, and dissemination of criminal-history-record information.
- (3) “Biometric information” means fingerprints and other unique biological or physical characteristics of an individual that a contributing justice agency is required or permitted by law other than this [act] to use for the purpose of identification.

1 (4) “Central repository” means the single, coordinating entity of this state with the duty to  
2 collect, store, maintain, and disseminate criminal-history-record information.

3 (5) “Contributing justice agency” means a court, political subdivision or agent of a  
4 political subdivision, governing entity of this state, or any governmental agency designated by  
5 the [responsible agency or individual], that is authorized to engage in the administration of  
6 criminal justice. The term does not include the central repository.

7 (6) “Criminal-history-record information” means information collected, stored,  
8 maintained, submitted, or disseminated by a contributing justice agency or the central repository,  
9 consisting of a description of an identifiable subject, and notation of a reportable event. The term  
10 includes biometric information. The term does not include noncriminal-history-record-  
11 information.

12 (7) “Dissemination” means oral, written, or electronic transmission or other disclosure of  
13 criminal-history-record information to a person other than the central repository. “Disseminate”  
14 has a corresponding meaning.

15 (8) “Noncriminal-history-record information” means information collected:

16 (A) as a result of an inquiry about an activity, habit, practice, possession,  
17 association, or financial status of an individual; and

18 (B) to anticipate, prevent, monitor, or investigate criminal activity.

19 (9) “Person” means an individual, estate, business or nonprofit entity, public corporation,  
20 government or governmental subdivision, agency, or instrumentality, or other legal entity.

21 (10) “Reportable event” means any of the following relating to a felony or misdemeanor,  
22 other than a [noncriminal offense,] [summary offense,] [petty offense,] traffic violation, or  
23 offense under [insert citation to juvenile law of this state]:



- 1 (A) arrest resulting in booking into a detention facility or collection of biometric  
2 information;
- 3 (B) disposition after an arrest without initiation of a criminal proceeding;
- 4 (C) initiation of a criminal proceeding;
- 5 (D) disposition of a criminal proceeding, including diversion, dismissal, indefinite  
6 postponement, acquittal, guilty plea, conviction, sentencing, and modification, reversal, and  
7 revocation of the disposition;
- 8 (E) commitment to or release from a place of detention or custodial supervision;
- 9 (F) commencement or conclusion of noncustodial supervision;
- 10 (G) completion of a sentence;
- 11 (H) expungement, sealing, or setting aside of criminal-history-record information;
- 12 (I) grant of clemency, including pardon or commutation, or restoration of rights;
- 13 and
- 14 (J) finding of mental incompetence by a court at any stage of a criminal  
15 proceeding.

16 (11) “State” means a state of the United States, the District of Columbia, Puerto Rico, the  
17 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of  
18 the United States. The term includes a federally recognized Indian tribe.

19 (12) “Subject” means an individual about whom criminal-history-record information is  
20 collected, stored, maintained, submitted, or disseminated as required or permitted by this [act] or  
21 law other than this [act].

22 **Legislative Note:** *A reportable event relates to an offense that is typically categorized as a felony*  
23 *or a misdemeanor. Some jurisdictions have other categories of offenses that merit inclusion,*  
24 *such as a “gross misdemeanor.” This is a decision left to the enacting state.*

25

1 **Legislative Note:** *For the responsible agency or individual, a state should designate the*  
2 *appropriate agency or individual charged with responsibilities under this act in light of its own*  
3 *constitutional structure and political landscape. In some states this may be the Attorney General;*  
4 *in others, a different officer or entity. A state may designate a different agency or individual for*  
5 *different functions under this act.*

6  
7 **Comment**  
8

9 *Administration of criminal justice.* The definition of “administration of criminal justice”  
10 is largely based upon the language found in 28 C.F.R. §20.3.  
11

12 *Biometric information.* The definition of “biometric information” focuses on – but is not  
13 limited to – fingerprints, which are the current gold standard for ensuring that a particular subject  
14 is linked to the correct and complete arrest and disposition information. The definition of  
15 “biometric information” is designed to allow the act to simultaneously remain consistent with  
16 other law about identification procedures and to adapt as technology evolves without requiring a  
17 revision to the act itself. The use of the term “biometric information” emphasizes the importance  
18 of using something beyond an exact or approximate name match to ensure the accuracy of  
19 criminal-history-record information during the record location, linking and retrieval processes.  
20 Biometric information is available from all subjects because the criminal-history-record  
21 information maintained pursuant to this act relates exclusively to individuals. This is consistent  
22 with current practice.  
23

24 *Central repository.* The definition of “central repository” leaves to the enacting state the  
25 decision whether this is a police function, often through the state police, or an independent  
26 function. Given the central repository’s coordinating role, the definition does require the central  
27 repository to be operationally independent from contributing justice agencies or other  
28 repositories, although it can exist within the structure of an agency, such as the state police, that  
29 also contains a separate repository.  
30

31 *Contributing justice agency.* The definition of “contributing justice agency” is  
32 intentionally broad. The goal is to widely distribute the duty to provide information on  
33 “reportable events” – such as arrests, charges, and dispositions of all types – to the central  
34 repository. This also allows for the collection and inclusion of reportable event and biometric  
35 information throughout the process of adjudication and punishment, thereby allowing for  
36 multiple opportunities to collect data and resolve issues. The term includes an organized state or  
37 municipal police department, sheriff’s department, local detention facility or department, county,  
38 regional or state correctional facility or department, probation agency, office of Attorney  
39 General, district or prosecuting attorney, court with criminal jurisdiction, parole board, pardon  
40 board, and any agency or sub-unit designated as a contributing justice agency by the responsible  
41 agency or individual.  
42

43 Courts are included in a “contributing justice agency” because their participation is  
44 crucial to the success of the effort to promote the accuracy of criminal records. An enacting state  
45 concerned about including courts because of separation of powers concerns may want to add  
46 language either exempting courts or allowing courts themselves to opt-out. Statutory language

1 authorizing a judicial opt-out could take this form: “The [state Supreme Court], or a judicial  
2 entity authorized to act on its behalf, may remove the courts of this state from this sub-section  
3 under its rulemaking authority.” The court should be included as a contributing justice agency to  
4 the extent constitutionally permissible. Including courts will materially enhance the accuracy of  
5 criminal-history-record information.

6  
7 *Noncriminal-history-record information.* This definition clarifies that information may  
8 be held by a contributing justice agency that is not deemed to be criminal-history-record  
9 information.

10  
11 *Reportable event.* The definition of a “reportable event” is designed to capture all of the  
12 significant moments in the life of a criminal case that future actors in the criminal justice system  
13 would want to know about that defendant and that case. Though the nomenclature may vary by  
14 jurisdiction, these are almost universal in their presence and importance.

15  
16 *Reportable Event – Disposition.* The examples of disposition are designed to be inclusive  
17 yet manageable. If more detail is desired, enacting states could include the current definition  
18 found at 28 CFR § 20.3(i), which provides:

19 Disposition means information disclosing that criminal proceedings have been concluded  
20 and the nature of the termination, including information disclosing that the police have  
21 elected not to refer a matter to a prosecutor or that a prosecutor has elected not to  
22 commence criminal proceedings; or disclosing that proceedings have been indefinitely  
23 postponed and the reason for such postponement. Dispositions shall include, but shall not  
24 be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental  
25 incompetence, case continued without finding, charge dismissed, charge dismissed due to  
26 insanity, charge dismissed due to mental incompetency, charge still pending due to  
27 insanity, charge still pending due to mental incompetency, guilty plea, nolle prosequi, no  
28 paper, nolo contendere plea, convicted, youthful offender determination, deceased,  
29 deferred disposition, dismissed-civil action, found insane, found mentally incompetent,  
30 pardoned, probation before conviction, sentence commuted, adjudication withheld,  
31 mistrial-defendant discharged, executive clemency, placed on probation, paroled, or  
32 released from correction supervision.

33 <http://www.gpo.gov/fdsys/pkg/CFR-2002-title28-vol1/pdf/CFR-2002-title28-vol1-sec20-3.pdf>.

34  
35 **SECTION 103. PUBLIC RECORDS.** In this [act], the court docket, court file, and  
36 information contained in a docket or file, are public records except as otherwise provided by law  
37 other than this [act] or court order.

38 *Legislative Note:* This section is designed to ensure that this act is not interpreted as limiting  
39 access to court records. It provides that information in court dockets and files not under seal,  
40 remain public records to the extent provided by existing law. An enacting state should examine  
41 its public records access laws to determine whether conforming revisions are required to ensure  
42 that this act does not limit access to public records.

1           **SECTION 104. DISSEMINATION LOG.**

2           (a) A dissemination log under Section 205 or 304 must include each request for and  
3 dissemination of criminal-history-record information, other than a request made under [public  
4 records access laws of this state].

5           (b) A dissemination log under Section 205 or 304 must be separate from non-criminal-  
6 history record information and criminal-history-record information. The log must include:

7                   (1) the name of the subject about whom the information is requested;

8                   (2) the name of the person making the request and its associated address;

9                   (3) the name of the individual making the dissemination;

10                  (4) the date of the request;

11                  (5) the date of the dissemination; and

12                  (6) a statement of whether the information was disseminated for a purpose other  
13 than the administration of criminal justice.

14           (c) A dissemination log under section 205 or 304 is available to the public only as  
15 provided by law other than this [act].

16           (d) An entry in the dissemination log under Section 205 or 304 must be maintained as  
17 long as the associated criminal-history-record information is maintained.

18 ***Legislative Note:*** *An entry in a dissemination log is maintained as long as the associated*  
19 *criminal-history-record information is maintained. In a jurisdiction in which records retention*  
20 *provisions address this issue, the language specifying duration of record maintenance should be*  
21 *adjusted appropriately.*

22  
23 ***Legislative Note:*** *The specific terminology for the legislation regarding public records access*  
24 *laws, those rules that govern the ability of average citizens to review public records, may vary*  
25 *among jurisdictions. An enacting state should reference its public records access laws however*  
26 *denominated in light of its legal landscape. An enacting state should consider whether the*  
27 *dissemination logs should be made public at all and, if so, which elements of the logs should be*  
28 *accessible, when they should be accessible, and for what purposes. A state should therefore*  
29 *consider if its public records access laws need to be adjusted to meet its goals concerning these*

1 logs.

2

3

**Comment**

4

5 *Dissemination logs.* These logs include a record of the nature and timing of information  
6 requested and disseminated pursuant to this act. These logs do not include information obtained  
7 under provisions of public records access laws, in part because some of that information is not  
8 functionally trackable. For example, some information may be obtainable anonymously through  
9 the Internet or through computer terminals provided by the court for this purpose. The public will  
10 have access to dissemination logs in a fashion consistent with existing public records access laws  
11 in the jurisdiction. This includes exclusions necessary to insulate the investigative actions of  
12 justice agencies from unintentional disclosure through these processes.

13

14

**[ARTICLE] 2**

15

**CONTRIBUTING JUSTICE AGENCY**

16

**SECTION 201. COLLECTION AND SUBMISSION OF INFORMATION TO**

17

**CENTRAL REPOSITORY.** A contributing justice agency that has custody of or control,

18

authority, or jurisdiction over an individual for a reportable event shall collect, store, and

19

maintain criminal-history-record information on the event. Not later than [five] days after the

20

agency collects the information, the agency shall submit the information to the central repository

21

consistent with the procedures established by the central repository pursuant to Section 306.

22

**SECTION 202. COLLECTION AND SUBMISSION OF BIOMETRIC**

23

**INFORMATION.**

24

(a) A contributing justice agency that has custody of or control, authority, or jurisdiction

25

over an individual for a reportable event shall determine whether biometric information about the

26

individual has been collected and submitted to the central repository for the event. If the

27

contributing justice agency is a court, the contributing justice agency representing this state

28

before the court shall make the determination and report the results of its determination to the

29

court.

30

(b) If a contributing justice agency determines under subsection (a) that biometric

1 information has not been collected and submitted to the central repository, the individual shall  
2 permit collection of the missing biometric information. The agency, using any legal procedure  
3 available to it, including a court order if authorized, shall collect the missing biometric  
4 information. Not later than [five] days after collection, the agency shall submit the information to  
5 the central repository consistent with the procedures established by the central repository  
6 pursuant to Section 306.

### 7 **Comment**

8 *Mandatory duty to collect biometric information.* Widely distributing a mandatory duty  
9 to collect biometric information is vital to the effectiveness of the act. Biometric information, in  
10 the form of fingerprints, is currently the gold standard for positive identification for law  
11 enforcement purposes. If this information is not used to link an arrest to a charge to a  
12 disposition, significant inaccuracies may and do result. In most cases, close matches using name  
13 and date of birth are the alternative. This is a clear and common source of inaccuracies – both in  
14 the failure to link related reportable events and in the misidentification of the subject. The act  
15 puts the primary responsibility for this task on the arresting contributing justice agency, which  
16 will typically be a police department. The lack of collection on the “front line” of processing is a  
17 significant impediment to the accuracy of criminal records. In some jurisdictions, this appears to  
18 be unrelated to funding for equipment, and instead turns on the enforcement of mandatory  
19 collection procedures. *See, e.g.,* Jeffrey Benzing, *Fingerprint Hearing: Best and Worst Pa.*  
20 *Counties Have Same Equipment*, available at  
21 [http://www.pennlive.com/midstate/index.ssf/2014/07/fingerprint\\_hearing\\_best\\_and\\_w.html](http://www.pennlive.com/midstate/index.ssf/2014/07/fingerprint_hearing_best_and_w.html) (July  
22 23, 2014).

23  
24 *Accuracy Improvement.* Nothing in the act is designed to expand the ability of the  
25 government to collect information to which contributing justice agencies are not otherwise  
26 entitled to collect. The goal of the act is to ensure that the information that jurisdictions do  
27 collect is done in a regular and reliable way that improves the accuracy of the criminal-history-  
28 record system.

29  
30 *Collection of Biometric Information.* Section 202 requires individuals to permit the  
31 collection of their biometric information if it is determined at any point after the occurrence of a  
32 reportable event that biometric information for that individual is missing. Not only does this  
33 section put the obligation on individuals to provide biometric information, it makes that  
34 obligation enforceable by court order. The drafters believe that this approach may avoid potential  
35 separation-of-powers issues that could have arisen in some jurisdictions if the act directed courts  
36 to obtain this information directly. This section is designed to include, *inter alia*, when an  
37 individual, who has not been arrested, is charged by complaint, information, or indictment and  
38 appears in court pursuant to summons. The drafters encourage judges in these situations to make  
39 providing biometric information a condition of any pretrial release.

1           *Duty of other contributing justice agencies.* If the arresting agency fails to obtain  
2 fingerprints, the act provides a backstop by requiring other, typically chronologically  
3 downstream, actors in the contributing justice system to fingerprint the subject. The drafters  
4 believe that this “belt-and-suspenders approach” is warranted given the wide variation of  
5 fingerprint compliance rates between and within states. For example, the drafters learned that in  
6 one large state, there are tens of thousands – if not hundreds of thousands – of essentially  
7 orphaned files in the central repository because disposition information cannot be definitively  
8 linked by fingerprint to a subject. Furthermore, in that state, the state prison receiving center felt  
9 the need to install a Livescan machine (a common biometric data collection station) because of  
10 the number of sentenced offenders arriving without fingerprints in the system. This section  
11 neither mandates nor prohibits the repeated collection of biometric information during the life of  
12 a criminal case. Rather, the act sets a floor of at least one collection of biometric information and  
13 leaves enacting states free to do more if they so choose. The goal of this approach is to ensure  
14 that, in any given case, the necessary case information and biometric data will be available and  
15 linked, thereby limiting the possibility that unrelated records will be linked or records relating to  
16 the same individual or event will be appropriately connected.

17  
18           *Duty to report reportable events.* The act requires contributing justice agencies to submit  
19 information on reportable events – such as arrests, charges, convictions, sentences,  
20 commitments, etc. – with which they were involved to the central repository. If followed, this  
21 mandate should go a long way towards solving the problem of missing dispositions. The act  
22 takes a “belt-and-suspenders approach” by putting this responsibility broadly on multiple actors,  
23 even if that means some duplicative reporting to the central repository. Given the large and  
24 growing use of electronic records, this should not be burdensome on the contributing justice  
25 agencies and may help to reduce inaccuracies.

26  
27           **SECTION 203. ACCURACY AND CORRECTION OF INFORMATION.**

28           (a) A contributing justice agency shall maintain and store accurate criminal-history-  
29 record information in compliance with procedures established by the central repository.

30           (b) Not later than [14] days after a contributing justice agency discovers that it possesses  
31 inaccurate criminal-history-record information, the agency shall:

- 32                   (1) correct its records;
- 33                   (2) notify the central repository of the inaccuracy and the required correction; and
- 34                   (3) on request of the subject, provide the subject at no cost one certified, corrected  
35 copy of the information.

1 **Comment**

2 *Duty to correct.* The act requires a contributing justice agency that learns of inaccurate  
3 criminal-history-record information – regardless of how it learns of it – to fix it in its own  
4 records and to pass along the corrected information to the central repository. This will allow for  
5 more effective correction, as well as providing essential process data for the audit, discussed  
6 *infra*.

7 Accuracy remains the overriding goal of the act. Of course, procedures relating to the  
8 mechanics of how criminal-history-record information will be corrected and in what form are left  
9 to the state and its central repository.

10  
11 *Procedures.* The central repository, pursuant to Section 306, will adopt procedures  
12 providing for the procedures used and the form of the required correction, including whether  
13 certified copies may be provided entirely electronically.

14  
15 **SECTION 204. DISSEMINATION OF CRIMINAL-HISTORY-RECORD**  
16 **INFORMATION.**

17 (a) Except as otherwise provided in subsection (b), a contributing justice agency may  
18 disseminate criminal-history-record information only as required or permitted by this [act] or by  
19 law other than this [act].

20 (b) A contributing justice agency may disseminate criminal-history-record information to  
21 another contributing justice agency on request of the other agency in connection with the duties  
22 of the requesting agency.

23 **SECTION 205. DISSEMINATION LOG OF CONTRIBUTING JUSTICE**  
24 **AGENCY.** A contributing justice agency shall create, store, and maintain a dissemination log  
25 complying with Section 104. Not later than [14] days after the agency disseminates criminal-  
26 history-record information, the agency shall enter the required information in the dissemination  
27 log.

28 **Comment**

29 *Authority to disseminate and duty to log.* The act allows contributing justice agencies to  
30 disseminate criminal-history-record information to other contributing justice agencies and  
31 requires those agencies to keep track of those disseminations. The central repository, as part of



1 its duties, will set reasonable standards and procedures for this process, ensuring a degree of  
2 uniformity in the requesting and dissemination processes.

3  
4 **[ARTICLE] 3**

5 **CENTRAL REPOSITORY**

6 **SECTION 301. DUTY OF CENTRAL REPOSITORY.**

7 (a) The central repository shall collect, store, maintain, and disseminate criminal-history-  
8 record information reported to it under this [act].

9 (b) The central repository may disseminate criminal-history-record information only as  
10 required or permitted by this [act] or by law other than this [act].

11 (c) The central repository shall collect, store, maintain, and disseminate accurate  
12 criminal-history-record information in compliance with procedures adopted by the [responsible  
13 agency or individual] under Section 702.

14 (d) The central repository shall establish procedures to resolve data conflicts and discover  
15 missing data for accurate criminal-history-record information.

16 *Legislative Note: For the responsible agency or individual, a state should designate the*  
17 *appropriate agency or individual charged with responsibilities under this act in light of its own*  
18 *constitutional structure and political landscape. In some states this may be the Attorney General;*  
19 *in others, a different officer or entity. A state may designate a different agency or individual for*  
20 *different functions under this act.*

21  
22 **Comment**

23 *Role of the central repository.* The central repository is the hub into and out of which criminal-  
24 history-record information will flow. It serves this role, as it does in many jurisdictions, for both  
25 intra-state and inter-state purposes, as well as for communication with the myriad federal  
26 agencies and systems involved in the management of criminal-history-record information. The  
27 accuracy, logging, and correction provisions are similar to the ones provided for contributing  
28 justice agencies. The central repository is also the primary contact for other states and the  
29 federal system, allowing it to serve as a clearing house for the management of the universe of  
30 criminal-history-record information that may be fed into the databases held within that  
31 jurisdiction.

1           **SECTION 302. DISSEMINATION OF INFORMATION TO SUBJECT.**

2           (a) Not later than [14] days after the central repository receives a request from the subject  
3 for a subject’s criminal-history-record information, the central repository shall:

4                     (1) disseminate the criminal-history-record information to the subject; or

5                     (2) if a good-faith search identifies no criminal-history-record information about  
6 the subject, notify the subject of the fact.

7           (b) Criminal-history-record information disseminated under this section must include a  
8 conspicuous notification that it is provided solely for review by the subject and may not be relied  
9 on or considered current for another use.

10   **Comment**

11           *Verification of identify and authorization.* The central repository may require verification  
12 of identity of the subject, which may include biometric information, pursuant to implementing  
13 regulations under this act.

14           *Use by the Subject.* This section is intended to provide the subject with a copy of their up-  
15 to-date criminal-history-record information to facilitate the review-and-challenge process. It was  
16 not designed to allow either the subject or a third-party, including potential employers and  
17 landlords, from avoiding the records request and processing procedures outlined in Section 303.  
18 Therefore, the version produced by the central repository under this section is marked in a  
19 manner that deters the wide usage of the criminal-history-record information. The central  
20 repository bears the responsibility for determining what this notice must include.

21  
22  
23           **SECTION 303. DISSEMINATION OF INFORMATION TO PERSON**

24           **AUTHORIZED BY SUBJECT.**

25           (a) A subject may authorize another person to receive the subject’s criminal-history-  
26 record information from the central repository for a purpose other than the administration of  
27 criminal justice.

28           (b) Before the central repository disseminates criminal-history-record information for a  
29 purpose other than the administration of criminal justice pursuant to a request not made under

1 [public records access laws of this state] to a person other than the subject, the central repository  
2 shall determine whether the information contains:

3 (1) a disposition after an arrest without initiation of a criminal proceeding; or

4 (2) a disposition of a criminal proceeding, including diversion, dismissal,  
5 indefinite postponement, acquittal, guilty plea, conviction, and sentencing, and modification,  
6 reversal, and revocation of the disposition, for every arrest or initiation of a criminal proceeding.

7 (c) If information under subsection (b) does not contain a disposition, the central  
8 repository shall make a good-faith effort to determine the disposition and, if the central  
9 repository determines the disposition, include that disposition in:

10 (1) the relevant records maintained by the central repository; and

11 (2) the information to be disseminated.

12 (d) After making the good-faith effort under subsection (c) and before the central  
13 repository disseminates information under subsection (b), the central repository shall remove  
14 from the report or summary to be disseminated the notation of an arrest or initiation of criminal  
15 proceedings if:

16 (1) [18] months have elapsed since the later of the date of the arrest or initiation of  
17 criminal proceedings;

18 (2) no disposition has been identified with respect to the arrest;

19 (3) no warrant is outstanding with respect to the arrest; and

20 (4) no proceeding is pending with respect to the arrest that may result in a  
21 conviction.

22 (e) Not later than [five] days after the central repository disseminates information under  
23 subsection (d), the central repository shall send the same information to the subject, based on the

1 contact information provided by the person requesting the information.

2 **Legislative Note:** *The specific terminology for the legislation regarding public records access*  
3 *laws, those rules that govern the ability of average citizens to review public records, may vary*  
4 *among jurisdictions. An enacting state should reference its public records access laws however*  
5 *denominated in light of its legal landscape.*

6  
7

### Comment

8 *Role in employment and related checks.* The central repository’s primary function is to  
9 act as the hub for criminal-history-record information used for contributing justice agency  
10 purposes. There is, of course, a growing use of this information for purposes of government-  
11 mandated and voluntary employment, licensing, etc. Accuracy concerns are heightened in this  
12 context in part because there is no related adversarial proceeding before a neutral magistrate.  
13 Inspired in part by efforts in California that many consider successful, this section requires the  
14 central repository to make a good-faith effort to ensure that disposition information is connected  
15 to arrests and charges. *See* CAL. CODE. REGS. tit. 11, § 720 (2017). Senator Grassley and others  
16 introduced the Sentencing Reform and Corrections Act of 2015 (“SRCA”) on October 1, 2015.  
17 Although Congress did not pass the SRCA, it is worth noting that SRCA’s Section 213, which  
18 was entitled “Ensuring Accuracy of Federal Criminal Records,” provided that certain arrests  
19 without disposition information that were more than two years old could not be disseminated. *Cf.*  
20 IDAHO CODE ANN. § 67-3008(2)(b)(iv) (2015) (“A record of an arrest that does not contain a  
21 disposition after twelve (12) months from the date of arrest may only be disseminated by the  
22 department to criminal justice agencies, to the subject of the record, or to a person requesting the  
23 criminal history information with a signed release from the subject of the record.”).

24  
25

#### **SECTION 304. DISSEMINATION LOG OF CENTRAL REPOSITORY.** The

26 central repository shall create, store, and maintain a dissemination log complying with Section  
27 104. Not later than [14] days after the central repository disseminates criminal-history-record  
28 information, it shall enter the required information in the dissemination log.

29 **SECTION 305. CORRECTION OF INACCURATE INFORMATION.** Not later  
30 than [14] days after the central repository discovers that it possesses inaccurate criminal-history-  
31 record information, the central repository shall correct its records and follow the procedures set  
32 forth in paragraphs 2-4 of Section 403.

33

### Comment

34 *Duty to correct.* The act requires a central repository that learns of inaccurate criminal-  
35 history-record information – regardless of how it learns of it – to fix it in its own records and to

1 pass along the corrected information to whomever it has provided the inaccurate information  
2 within stated limits. That latter process is facilitated by the maintenance of dissemination logs.  
3 Thoroughly tracking the information will allow for more effective correction, as well as  
4 providing essential process data for the audit, discussed *infra*.

5  
6 *Procedures.* Accuracy remains the overriding goal of the act. Of course, procedures  
7 relating to the mechanics of how criminal-history-record information will be corrected and in  
8 what form are left to the state and its central repository. The central repository, pursuant to  
9 Section 306, will adopt procedures to be used, including whether certified copies may be  
10 provided entirely electronically.

11  
12 **SECTION 306. ESTABLISHMENT OF PROCEDURES.** The central repository  
13 shall establish procedures:

14 (1) necessary to carry out its powers and duties under this [act];

15 (2) for the manner and form in which a contributing justice agency collects, stores,  
16 maintains, and disseminates criminal-history-record information, including biometric  
17 information, to the central repository;

18 (3) to ensure that all criminal-history-record information for the same subject is linked  
19 appropriately; and

20 (4) for reporting, exchanging, and seeking correction of criminal-history-record  
21 information under this [act], including the adoption of forms.

#### 22 **Comment**

23 *Adoption of procedures.* Central repositories must be able to draft and implement a wide  
24 range of procedures to ensure effective and efficient processes for data collection and the  
25 resolution of errors. Therefore, and where consistent with relevant state law, the procedures  
26 developed under this act are not intended to be subject to the requirements of the Administrative  
27 Procedures Act or other analogous state law.

28  
29 **SECTION 307. DISSEMINATION OF INFORMATION FOR STATISTICAL OR**  
30 **RESEARCH PURPOSE.** Consistent with the law of this state other than this [act] and of the  
31 United States, the central repository may:

32 (1) subject to paragraph (2), disseminate criminal-history-record information, including

1 personally identifiable information, for a statistical or research purpose; and

2 (2) limit the use and subsequent dissemination of information disseminated under this  
3 section and the procedures established by the central repository.

4 **Comment**

5 *Statistical and Research Disseminations.* Research, whether done by governmental  
6 agencies or independent academics, can provide vital insight into how the criminal justice  
7 system, including the criminal-history-record system, operates. This section is designed to allow  
8 for meaningful research in a way that protects personally identifiable information.

9  
10 **SECTION 308. PUBLIC INFORMATION.**

11 (a) The central repository shall inform the public of the existence and accessibility of  
12 criminal-history-record information collected, stored, maintained, and disseminated by  
13 contributing justice agencies and the central repository.

14 (b) The central repository shall inform the public, at least annually, concerning the:

15 (1) extent and general nature of criminal-history-record information collected,  
16 stored, maintained, and disseminated in this state;

17 (2) number of corrections to criminal-history-record information made by the  
18 central repository;

19 (3) results of audits under Section 602 and the status of any correction of  
20 deficiencies; and

21 (4) requirements and forms for a subject to access, review, and seek correction of  
22 criminal-history-record information collected, stored or maintained by the central repository,  
23 including the right to appeal an adverse determination.

24 **Comment**

25 *Outreach to the public and contributing justice agencies.* This section assigns the central  
26 repository educative and supportive roles. It will try to raise public awareness about the  
27 importance of criminal-history-record information and how individuals can access their records

1 to check for accuracy. The drafters envision a system of web-based postings and webinars  
2 though the central repository has the flexibility to conduct this outreach in the manner  
3 determined to be most effective in that jurisdiction. This same system could be used to update  
4 the public on the audit results and subsequent remediation. Existing central repository websites  
5 could satisfy these requirements.

6  
7 **SECTION 309. TRAINING.**

8 (a) The central repository shall provide regular training to contributing justice agencies  
9 concerning submitting information on a reportable event and the importance of the information  
10 to subjects, the public, and the criminal-justice system.

11 (b) The central repository shall periodically identify any contributing justice agencies that  
12 do not meet the requirements of this [act] and provide remedial training.

13 **Comment**

14 *Training.* The central repository has the responsibility to train contributing justice  
15 agencies and focus on those agencies that are not reporting as required because those agencies  
16 present significant accuracy risks to the entire system. The central repository is free to design  
17 this training in the manner it believes will be the most effective in that jurisdiction.

18  
19 **[ARTICLE] 4**

20 **CORRECTION OF CRIMINAL-HISTORY-RECORD INFORMATION**

21 **SECTION 401. REQUEST TO CORRECT.** A subject may seek correction of  
22 criminal-history-record information by sending the contributing justice agency storing the  
23 information or the central repository a request for correction specifying the information alleged  
24 to be inaccurate and providing the allegedly correct information. A contributing justice agency  
25 that receives the request shall inform the subject that only the central repository can act on the  
26 subject's request and that the contributing justice agency will forward the request to the central  
27 repository. Not later than [five] days after receiving the request, the contributing justice agency  
28 shall forward to the central repository the request and any criminal-history-record information  
29 relating to the subject.

1 **Comment**

2 *Subject may be represented by counsel.* The subject may be represented by counsel or an  
3 attorney-in-fact for the purpose of this Article.

4  
5 *Concerns about abusive filings.* The act does not limit the number requests for correction  
6 that a subject may make in any given year because current practice does not indicate that  
7 frivolous requests are a significant problem. A subject who is abusing the system will, of course,  
8 be subject to other legal process.

9  
10 **SECTION 402. REVIEW OF REQUEST.**

11 (a) Not later than [40] days after receipt of a request under Section 401, the central  
12 repository shall review and approve or deny the request. The director of the central repository  
13 may extend the time to review and act on the request for up to [21] days if the director certifies  
14 that there is good cause for an extension and notifies the subject. The extension may not be  
15 renewed.

16 (b) If the central repository does not act within the time provided in subsection (a), the  
17 request is deemed denied.

18 (c) [Cite to the state administrative procedure act] governs administrative and judicial  
19 review of action or nonaction by the central repository on a request under Section 401.  
20 Notwithstanding [Cite to the state administrative procedure act], if the request is deemed denied  
21 under subsection (b), the central repository has the burden of proof in the immediately  
22 subsequent review.

23 **Comment**

24 *Forms.* The central repository will provide clear, plainly worded instructions to subjects  
25 who express an interest in seeking a correction to their criminal-history-record information.  
26 Those instructions include information about seeking further review as set forth in this section.  
27 The [responsible agency or individual] has the authority, pursuant to Section 702, to adopt  
28 appropriate procedures in this regard.

29  
30 *Access, review, challenge, correction and appeal.* This article provides subjects rights to  
31 challenge the criminal-history-record information about them for the explicit purpose of ensuring



1 that all of the criminal-history-record information managed by the state, regardless of its source,  
2 is correct and up-to-date. While section 402(c) largely defers to the state’s administrative  
3 procedure act, the draft requires that the government will have the burden of proving the  
4 accuracy of the challenged information by a preponderance of the evidence in an administrative  
5 review following an automatic denial triggered by governmental unresponsiveness.

6  
7 **SECTION 403. CORRECTION OF RECORD.** If the central repository approves a

8 request under Section 401, not later than [14] days after the decision under Section 402 becomes  
9 final and not subject to appeal, the central repository shall:

10 (1) correct its records;

11 (2) disseminate a notice of the inaccuracy and the required correction to the subject and  
12 each person that received from the central repository inaccurate information for a purpose of  
13 administration of criminal justice within [one] year before the date of approval of the correction;

14 (3) notify the contributing justice agency that provided the inaccurate information of the  
15 inaccuracy and the required correction; and

16 (4) on request of the subject:

17 (A) disseminate a notice of the inaccuracy and the required correction to each  
18 person the subject identifies as having received the inaccurate information pursuant to a request  
19 not made under [public records access laws of this state] for a purpose other than administration  
20 of criminal justice within [one] year before the date of approval of the request; and

21 (B) provide to the subject at no cost one certified, corrected copy of the accurate  
22 information.

23 ***Legislative Note:*** *The specific terminology for the legislation regarding public records access*  
24 *laws, those rules that govern the ability of average citizens to review public records, may vary*  
25 *among jurisdictions. An enacting state should reference its public records access laws however*  
26 *denominated in light of its legal landscape.*  
27

1 **Comment**

2 *Procedures.* Accuracy remains the overriding goal of the act. Of course, procedures  
3 relating to the mechanics of how criminal-history-record information will be corrected and in  
4 what form are left to the state and its central repository. The central repository, pursuant to  
5 Section 306, will adopt procedures to be used, including whether certified copies may be  
6 provided entirely electronically.  
7

8 **[ARTICLE] 5**

9 **MISTAKEN-IDENTITY-PREVENTION REGISTRY**

10 **SECTION 501. CREATION AND MAINTENANCE OF REGISTRY.** The central  
11 repository shall create and maintain a mistaken-identity- prevention registry:

12 (1) consisting of information voluntarily provided by:

13 (A) a victim of mistaken identity; or

14 (B) an individual whose name or other identifying characteristic is similar to that  
15 of another individual who is the subject of criminal-history-record information; and

16 (2) designed to prevent:

17 (A) creation of inaccurate criminal-history-record information;

18 (B) inaccurate modification of criminal-history-record information;

19 (C) mistaken arrest; and

20 (D) confusion of an individual with another individual when criminal-history-  
21 record information is searched.

22 **SECTION 502. REQUIREMENTS FOR REGISTRY.**

23 (a) The central repository shall establish procedures for entry of information concerning  
24 an individual in the mistaken-identity-prevention registry. The procedures must require:

25 (1) submission by the individual of a request to be entered in the registry; and

26 (2) collection of biometric information from the individual.

1 (b) The central repository shall enter in the mistaken-identity-prevention registry  
2 information concerning an individual who satisfies the requirements under subsection (a). If the  
3 central repository excludes entry in the registry of information concerning an individual, the  
4 individual may seek relief under [cite to the state administrative procedure act] as a contested  
5 case.

6 **SECTION 503. CERTIFICATION.** Not later than [14] days after entering information  
7 concerning an individual in the mistaken-identity-prevention registry, the central repository shall  
8 provide the individual a certification that the individual is not a specified individual with a  
9 similar name or identifying characteristic who is the subject of criminal-history-record  
10 information. The certification is prima facie evidence of the facts certified.

11 **SECTION 504. DISSEMINATION OF REGISTRY INFORMATION.**

12 (a) The central repository may not use or disseminate information from the mistaken-  
13 identity-prevention registry except as provided in this [article].

14 (b) The central repository shall disseminate information from the mistaken-identity-  
15 prevention registry to a contributing justice agency if there is reason to believe that identifying  
16 information on a reportable event may be inaccurate or incorrectly associated with an individual.

17 (c) The central repository may disseminate information from the mistaken-identity-  
18 prevention registry to a national mistaken-identity-prevention registry if the national registry is  
19 created and maintained by a federal law-enforcement agency with a purpose and protections  
20 similar to the registry created in this [article].

21 *Legislative Note: This section is designed to ensure that information from the mistaken-identity-*  
22 *prevention registry is used exclusively for its intended purpose. An enacting state should examine*  
23 *its public records access laws to determine whether conforming revisions are required.*  
24

1           **SECTION 505. VERIFICATION OF IDENTITY.** If a contributing justice agency  
2 seeks to establish the identity of an individual and the individual presents a certification issued  
3 under Section 503, the agency shall accept the certification of the individual’s identity unless the  
4 agency has a reasonable basis to doubt the individual’s identity or the authenticity of the  
5 certification, in which case the agency shall contact the central repository to verify the  
6 authenticity of the certification using the procedures established by the central repository.

7           **SECTION 506. LIMITATION ON USE OF REGISTRY INFORMATION.**

8           (a) A contributing justice agency and the central repository may access or use  
9 information from the mistaken-identity-prevention registry only to:

10                   (1) identify accurately an individual about whom the agency has requested or  
11 received registry information; or

12                   (2) investigate, prosecute, or adjudicate an individual for an offense relating to  
13 participating in, using, or operating the registry.

14           (b) If information in the mistaken-identity-prevention registry is accessed or used for a  
15 purpose other than permitted under subsection (a):

16                   (1) the information and any information acquired as a result of the improper  
17 access or use is not admissible in any criminal or civil action; and

18                   (2) the central repository shall notify the individual whose information was  
19 accessed or used improperly not later than [five] days after it discovers the access or use.

20           **SECTION 507. REMOVAL OF INFORMATION FROM REGISTRY.**

21           (a) The central repository shall establish procedures regarding a request to remove  
22 information from the mistaken-identity-prevention registry.

23           (b) Not later than [14] days after receiving a request from an individual for removal of

1 information the individual voluntarily submitted under Section 502(a), the central repository  
2 shall remove the information from the mistaken-identity-prevention registry.

3 **Comment**

4 *Mistaken-identity-prevention Registry.* Identification mistakes can lead to inaccurate  
5 criminal-history-record information and erroneous arrests. *See, e.g.,* Stephanie Chen, *Officer,*  
6 *You’ve Got the Wrong Person*, cnn.com (Feb. 15, 2010), available at  
7 <http://www.cnn.com/2010/CRIME/02/15/colorado.mistaken.identity.arrest/> (“A mistaken  
8 identity arrest occurs almost every day, said policing experts and officials at the National  
9 Association of Criminal Defense Lawyers.”); Christopher N. Osher, *Wrongfully Jailed: Records*  
10 *Details More Than 500 Mistaken-Identity Arrests in Denver in Seven Years*,  
11 [www.denverpost.com](http://www.denverpost.com) (Jan. 7, 2012), available at  
12 [http://www.denverpost.com/2012/01/07/wrongfully-jailed-records-detail-more-than-500-](http://www.denverpost.com/2012/01/07/wrongfully-jailed-records-detail-more-than-500-mistaken-identity-arrests-in-denver-in-seven-years/)  
13 [mistaken-identity-arrests-in-denver-in-seven-years/](http://www.denverpost.com/2012/01/07/wrongfully-jailed-records-detail-more-than-500-mistaken-identity-arrests-in-denver-in-seven-years/). This article, which is inspired in part by a  
14 Minnesota provision, is designed to proactively help individuals who are the victim of identity  
15 theft, while also improving the accuracy of the criminal record system more broadly. It allows  
16 for these individuals to voluntarily provide information about themselves, including biometric  
17 information, to a restricted registry which would be used to verify whether a particular person  
18 truly is the subject of a reportable event. There are also analogies to the Voluntary Appeals File  
19 (“VAF”) program associated with the FBI’s National Instant Criminal Background Check  
20 System. *See* <https://www.fbi.gov/about-us/cjis/nics> and [https://www.fbi.gov/about-](https://www.fbi.gov/about-us/cjis/nics/appeals/nics_vaf_brochure_eng.pdf)  
21 [us/cjis/nics/appeals/nics\\_vaf\\_brochure\\_eng.pdf](https://www.fbi.gov/about-us/cjis/nics/appeals/nics_vaf_brochure_eng.pdf).

22  
23 This article provides for the creation of certification for relevant individuals who choose  
24 to be proactive about limiting damaging errors in their own criminal record. This article  
25 envisions that this certification will help an individual without a particular criminal record from  
26 suffering adverse consequences of being confused with the individual who actually has that  
27 record. At the same time, the drafters seek to balance these considerations with the burdens  
28 imposed on law enforcement during the identity verification process. It is up to the individual  
29 state to determine requirements and procedures, but the drafters encourage states to consult with  
30 law enforcement and look to NLETS as a potential partner. *See* <http://www.nlets.org>.

31  
32 **[ARTICLE] 6**

33 **SYSTEMS SECURITY AND AUDITS**

34 **SECTION 601. SECURITY REQUIREMENTS.** To ensure the confidentiality and  
35 security of criminal-history-record information collected, stored, maintained, and disseminated  
36 by a contributing justice agency and the central repository, they shall:

37 (1) establish procedures for the protection of information that is stored or maintained

- 1 from loss or damage;
- 2 (2) ensure that only an authorized person has access to the information;
- 3 (3) select, supervise, and train individuals authorized to have access to the information;
- 4 (4) if computerized data processing is used, ensure that the equipment maintaining the
- 5 information meets the technical guidance for the security of systems adopted by the [responsible
- 6 agency or individual]; and
- 7 (5) maintain an index of each data breach and make the index available on request to the
- 8 [title of senior elected or appointed official responsible for governmental oversight, audit, or
- 9 integrity] and the [responsible agency or individual].

10 **Legislative Note:** *For the responsible agency or individual, a state should designate the*

11 *appropriate agency or individual charged with responsibilities under this act in light of its own*

12 *constitutional structure and political landscape. In some states this may be the Attorney General;*

13 *in others, a different officer or entity. A state may designate a different agency or individual for*

14 *different functions under this act.*

15

16 **Legislative Note:** *The senior elected or appointed official responsible for governmental*

17 *oversight, audit, or integrity should be an individual outside the day-to-day operation of the*

18 *criminal-history record-information system who is qualified to conduct these audits. Depending*

19 *on the state structure, potential appropriate individuals to fill this role might be the Attorney*

20 *General, the Auditor General, the Ombudsperson, the Inspector General, or other officer.*

21

22 **Comment**

23

24 *Data Security.* In an effort ensure accuracy, the act requires that basic security measures

25 be in place given the sensitive nature of criminal-history-record information. These provisions of

26 the act should be more than satisfied by compliance with current federal regulations.

27

28 **SECTION 602. AUDIT.**

- 29 (a) The [title of senior elected or appointed official responsible for governmental
- 30 oversight, audit, or integrity] shall cause an audit to be conducted annually of a sample of
- 31 contributing justice agencies and at least once every [three] years of the central repository.
- 32 (b) If the [title of senior elected or appointed official responsible for governmental

1 oversight, audit, or integrity] certifies that an audit required by an entity of the United States  
2 satisfies the requirements of this section, no additional audit is required.

3 (c) An audit under this section must:

4 (1) assess the operational practices of the central repository for consistency,  
5 efficiency, and security;

6 (2) assess the integrity of each computerized system and database and each  
7 physical location where criminal-history-record information is stored;

8 (3) assess any data breach in the central repository and response to the  
9 breach; and

10 (4) review a representative sample of criminal-history-record information stored  
11 by a contributing justice agency or the central repository and determine the number of missing  
12 reportable events and amount and nature of missing biometric information in the sample, in part  
13 by examining public records of the courts of this state.

14 (d) A contributing justice agency and the central repository shall give the [title of senior  
15 elected or appointed official responsible for governmental oversight, audit, or integrity] access to  
16 the records, reports, listings, and information required to conduct an audit under this section. An  
17 officer, employee, or contractor of this state or a political subdivision of this state with relevant  
18 information shall cooperate with the [title of senior elected or appointed official responsible for  
19 governmental oversight, audit, or integrity] and provide information requested for an audit.

20 (e) The [title of senior elected or appointed official responsible for governmental  
21 oversight, audit, or integrity] shall prepare and make available a public report containing the  
22 results of audits under this section and a list of any deficiencies and recommendations for  
23 correction of deficiencies.

1 **Comment**

2 *Mandatory audits.* This section provides for mandatory audits. Audits are essential to  
3 understanding how the criminal-history-record information structure is actually working and to  
4 prevent the automatic replication of systematic errors. If policy makers do not understand the  
5 nature and prevalence of the inaccuracies, they cannot address them effectively. The public  
6 distribution of the results of the audit alone may serve to increase system-wide compliance.  
7

8 **[ARTICLE] 7**

9 **ENFORCEMENT AND IMPLEMENTATION**

10 **SECTION 701. REMEDIES.**

11 [(a)] The [responsible agency or individual], the central repository, or a subject, in  
12 addition to other remedies provided by this [act] and law other than this [act], may commence an  
13 action to compel compliance with or enjoin a violation of this [act]. The court may award  
14 reasonable fees and expenses of attorneys, and court costs to a subject who prevails in the action.

15 [(b) A subject injured by an intentional or reckless violation of this [act] or procedures  
16 adopted or procedures established under this [act], in addition to other remedies as provided by  
17 this [act] and by law other than this [act], may commence an action for actual damages. If the  
18 court finds by a preponderance of the evidence that the subject was injured by an intentional or  
19 reckless violation, the court shall award the greater of \$[500] for each violation up to \$[2,000] in  
20 the action or actual damages, in addition to reasonable fees and expenses of attorneys, and court  
21 costs.]

22 **Legislative Note:** *For the responsible agency or individual, a state should designate the*  
23 *appropriate agency or individual charged with responsibilities under this act in light of its own*  
24 *constitutional structure and political landscape. In some states this may be the Attorney General;*  
25 *in others, a different officer or entity. A state may designate a different agency or individual for*  
26 *different functions under this act.*

27 **Comment**

28  
29 *Existing administrative sanctions.* An enacting state likely already has an array of  
30 sanctions and administrative remedies for government officials who misuse their position. As  
31 such, the act does not provide for such mechanisms. Additionally, there are federal regulations



1 that can limit access to the Interstate Identification Index for users or entities that do not follow  
2 proper procedures.

3  
4 *Existing criminal sanctions.* The act does not include a criminal sanction, in part because  
5 existing criminal statutes likely cover behavior that warrants a response by the criminal justice  
6 system. While anyone can report a suspected criminal violation to the appropriate prosecutorial  
7 authorities, the responsible agency or individual and the senior elected or appointed official  
8 responsible for governmental oversight, audit, or integrity should be particularly attentive to such  
9 circumstances. Of course, the act does not limit the prosecutorial power of any individual or  
10 entity to enforce existing law.

11  
12 *Remedies.* This section allows for injunctive relief and monetary damages when the act  
13 is violated. Concerning monetary damages, this section affords a subject who is injured by a  
14 violation of the act a remedy with a modest minimum (\$500 per violation up to \$2,000 for  
15 related violations) and a provision that shifts reasonable fees and expenses of attorneys plus court  
16 costs to the prevailing subject on the theory that the true extent of actual damages may be  
17 difficult to prove. This language is modeled on some existing provisions, and is limited in scope.  
18 Cf. 18 U.S.C. § 2724(b). All of this, of course, is also designed to serve as a clear and  
19 enforceable incentive to minimize inaccuracies.

20  
21 **SECTION 702. DUTIES AND AUTHORITY OF [RESPONSIBLE AGENCY OR**  
22 **INDIVIDUAL].**

23 (a) The [responsible agency or individual] shall adopt procedures necessary to implement  
24 this [act]. The procedures must include a provision that:

25 (1) governs the accuracy, dissemination, and review of, and individual access to,  
26 criminal-history-record information;

27 (2) ensures that electronic data, including biometric information, are stored in a  
28 manner that reflects best practices for personally identifiable information;

29 (3) provides for the establishment of technical procedures for the security of  
30 systems described in paragraphs (1) and (2); and

31 (4) sets a reasonable maximum fee for the cost of disseminating criminal-history-  
32 record information and provides a subject free access to the subject's information at least once  
33 each calendar year.

1 (b) The [responsible agency or individual] may designate any governmental agency, other  
2 than the central repository or a court, as a contributing justice agency.

3 (c) The [responsible agency or individual] may investigate any matter relating to the  
4 administration and enforcement of this [act].

5 **ARTICLE] 8**

6 **MISCELLANEOUS PROVISIONS**

7 **SECTION 801. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In  
8 applying and construing this uniform act, consideration must be given to the need to promote  
9 uniformity of the law with respect to its subject matter among states that enact it.

10 **[SECTION 802. SEVERABILITY.** If any provision of this [act] or its application to  
11 any person or circumstance is held invalid, the invalidity does not affect other provisions or  
12 applications of this [act] which can be given effect without the invalid provision or application,  
13 and to this end the provisions of this [act] are severable.]

14 *Legislative Note: Include this section only if this state lacks a general severability statute or a*  
15 *decision by the highest court of this state stating a general rule of severability.*

16 **SECTION 803. REPEALS; CONFORMING AMENDMENTS.**

17 (a) . . . .

18 (b) . . . .

19 (c) . . . .

20 **SECTION 804. EFFECTIVE DATE.** This [act] takes effect . . . .