

UNIFORM CRIMINAL RECORDS ACCURACY ACT*

Drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT
IN ALL THE STATES

at its

ANNUAL CONFERENCE
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-SEVENTH YEAR
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NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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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.

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.

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

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

(6) “Criminal-history-record information” means information collected, received, stored,

maintained, submitted, or disseminated by a contributing justice agency or the central repository, consisting of a description of a subject, and notation of a reportable event. The term includes biometric information. The term does not include noncriminal-history-record-information.

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

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

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

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

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

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

(A) arrest resulting in booking into a detention facility or collection of biometric information;

(B) disposition after an arrest described in subparagraph (A) without initiation of a criminal proceeding;

(C) initiation of a criminal proceeding;

(D) disposition of a criminal proceeding, including diversion, dismissal, indefinite postponement, acquittal, guilty plea, conviction, sentencing, and modification, reversal, and revocation of the disposition;

(E) commitment to or release from a place of detention or custodial supervision;

(F) commencement or conclusion of noncustodial supervision;

(G) completion of a sentence;

[(H) expungement, sealing, or setting aside of criminal-history-record information;]

(I) grant of clemency, including pardon or commutation, or restoration of rights;

(J) finding of [mental incompetence] by a court at any stage of a criminal proceeding.

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

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

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

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

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

Legislative Note: *This section is designed to ensure that this act is not interpreted as limiting access to court records. It provides that information in court dockets and files not under seal,*

remain public records to the extent provided by existing law. An enacting state should examine its public records access laws to determine whether conforming revisions are required to ensure that this act does not limit access to public records.

SECTION 104. DISSEMINATION LOG.

(a) A dissemination log under Section 205 or 304 must include each criminal-history-record information request by and dissemination to a person identified by the contributing justice agency or central repository.

(b) A dissemination log under Section 205 or 304 must be separate from non-criminal-history record information and criminal-history-record information. At a minimum, the log must include:

- (1) the name of the subject about whom the information is requested;
- (2) the name of the person making the request and its associated address;
- (3) the name of the individual making the dissemination;
- (4) the date of the request;
- (5) the date of the dissemination; and
- (6) a statement of whether the information was disseminated for a purpose other

than the administration of criminal justice.

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

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

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

Legislative Note: *The specific terminology for the legislation regarding public records access*

laws, those rules that govern the ability of citizens to review public records, may vary among jurisdictions. An enacting state should reference its public records access laws however denominated in light of its legal landscape. An enacting state should consider whether the dissemination logs should be made public at all and, if so, which elements of the logs should be accessible, when they should be accessible, and for what purposes. A state should therefore consider if its public records access laws need to be adjusted to meet its goals concerning these logs.

[ARTICLE] 2

CONTRIBUTING JUSTICE AGENCY

SECTION 201. COLLECTION AND SUBMISSION OF INFORMATION TO CENTRAL REPOSITORY. A contributing justice agency that has custody of or control, authority, or jurisdiction over an individual for a reportable event shall collect, store, and maintain criminal-history-record information on the event. Not later than [five] days after the agency collects the information, the agency shall submit the information to the central repository consistent with the procedures established by the central repository pursuant to Section 306.

SECTION 202. COLLECTION AND SUBMISSION OF BIOMETRIC INFORMATION.

(a) A contributing justice agency that has custody of or control, authority, or jurisdiction over an individual for a reportable event shall determine whether biometric information about the individual has been collected and submitted to the central repository for the event. If the contributing justice agency is a court, the contributing justice agency representing this state before the court shall make the determination and report the results of its determination to the court.

(b) If a contributing justice agency determines under subsection (a) that biometric information has not been collected and submitted to the central repository, the agency, using any legal procedure available to it under law other than this [act], including a court order if

authorized, shall collect the missing biometric information. Not later than [five] days after collection, the agency shall submit the information to the central repository consistent with the procedures established by the central repository pursuant to Section 306.

SECTION 203. ACCURACY AND CORRECTION OF INFORMATION.

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

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

- (1) correct its records;
- (2) notify the central repository of the inaccuracy and the required correction; and
- (3) notify each contributing justice agency that received the information under Section 204(b) within [one] year before the discovery of the inaccurate criminal-history-record information of the inaccuracy and the required correction.

SECTION 204. DISSEMINATION OF CRIMINAL-HISTORY-RECORD INFORMATION.

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

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

SECTION 205. DISSEMINATION LOG OF CONTRIBUTING JUSTICE

AGENCY. A contributing justice agency shall create, store, and maintain a dissemination log complying with Section 104. Not later than [14] days after the agency disseminates criminal-history-record information, the agency shall enter the required information in the dissemination log.

[ARTICLE] 3

CENTRAL REPOSITORY

SECTION 301. DUTY OF CENTRAL REPOSITORY.

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

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

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

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

Legislative Note: *It is the intent of this act that the requirements in Section 301, 306, 502, 507, and 601 to “establish procedures” be exempt from the rule making requirements of a state’s administrative procedures act.*

SECTION 302. DISSEMINATION OF INFORMATION TO SUBJECT.

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

(1) if criminal-history-record information about the subject is identified, disseminate the information to the subject; or

(2) if no criminal-history-record information about the subject is identified, notify the subject of the fact.

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

**SECTION 303. DISSEMINATION OF INFORMATION TO PERSON
AUTHORIZED BY SUBJECT.**

(a) A subject may authorize another person to receive the subject's criminal-history-record information from the central repository.

(b) Before the central repository disseminates criminal-history-record information under subsection (a), the central repository shall determine whether the information contains:

(1) a disposition after an arrest without initiation of a criminal proceeding; or
(2) a disposition of a criminal proceeding, including diversion, dismissal, indefinite postponement, acquittal, guilty plea, conviction, and sentencing, and modification, reversal, and revocation of the disposition, for every arrest or initiation of a criminal proceeding.

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

(1) the relevant records maintained by the central repository; and
(2) the information to be disseminated.
(d) After making an effort under subsection (c) and before the central repository

disseminates information under subsection (b), the central repository shall remove from the information to be disseminated the notation of an arrest or initiation of criminal proceedings if:

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

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

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

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

(e) Subsection (d) does not apply if law other than this [act] requires the person to receive all criminal history record information about the subject.

(f) Not later than [five] days after the central repository disseminates information under subsection (d), the central repository shall send the same information to the subject, based on the contact information provided by the person requesting the information.

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

SECTION 304. DISSEMINATION LOG OF CENTRAL REPOSITORY. The central repository shall create, store, and maintain a dissemination log complying with Section 104. Not later than [14] days after the central repository disseminates criminal-history-record information, it shall enter the required information in the dissemination log.

SECTION 305. CORRECTION OF INACCURATE INFORMATION. Not later than [14] days after the central repository determines that it possesses inaccurate criminal-history-record information, the central repository shall follow the procedures set forth in paragraphs 1-4 of Section 403.

SECTION 306. ESTABLISHMENT OF PROCEDURES. The central repository shall establish procedures:

- (1) necessary to carry out its powers and duties under this [act];
- (2) for the manner and form in which a contributing justice agency collects, stores, maintains, submits and disseminates criminal-history-record information, including biometric information;
- (3) to ensure that all criminal-history-record information for the same subject are linked; and
- (4) for reporting, exchanging, and seeking correction of criminal-history-record information under this [act], including the adoption of forms.

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

- (1) subject to paragraph (2), disseminate criminal-history-record information, including personally identifiable information, for a statistical or research purpose; and
- (2) limit the use and subsequent dissemination of information disseminated under this section and the procedures established by the central repository.

SECTION 308. PUBLIC INFORMATION.

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

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

- (1) extent and general nature of criminal-history-record information collected,

stored, maintained, and disseminated in this state;

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

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

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

SECTION 309. TRAINING.

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

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

[ARTICLE] 4

CORRECTION OF CRIMINAL-HISTORY-RECORD INFORMATION

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

shall forward to the central repository the request and any criminal-history-record information relating to the subject.

SECTION 402. REVIEW OF REQUEST.

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

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

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

SECTION 403. CORRECTION OF RECORD. If the central repository approves a request under Section 401, not later than [14] days after the decision under Section 402 becomes final and not subject to appeal, the central repository shall:

- (1) correct its records;
- (2) disseminate a notice of the inaccuracy and the required correction to the subject and each person that received from the central repository inaccurate information for a purpose of administration of criminal justice within [one] year before the date of approval of the correction;
- (3) notify the contributing justice agency that provided the inaccurate information of the

inaccuracy and the required correction; and

(4) on request of the subject:

(A) disseminate a notice of the inaccuracy and the required correction to each person the subject identifies as having received the inaccurate information under Section 303; and

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

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

[ARTICLE] 5

MISTAKEN-IDENTITY-PREVENTION REGISTRY

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

(1) consisting of information voluntarily provided by:

(A) a victim of mistaken identity; or

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

(2) designed to prevent:

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

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

(C) mistaken arrest; and

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

SECTION 502. REQUIREMENTS FOR REGISTRY.

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

- (1) submission by the individual of a request to be entered in the registry;
- (2) collection of biometric information from the individual; and
- (3) a determination by the central repository whether a certification under Section

503 is appropriate.

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

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

SECTION 504. DISSEMINATION OF REGISTRY INFORMATION.

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

(b) The central repository shall disseminate information from the mistaken-identity-prevention registry to a contributing justice agency if the central repository has reason to believe that identifying information on a reportable event may be inaccurate or incorrectly associated

with an individual.

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

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

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

SECTION 506. LIMITATION ON USE OF REGISTRY INFORMATION.

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

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

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

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

(1) the information and any information acquired as a result of the improper

access or use is not admissible in any criminal or civil action; and

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

SECTION 507. REMOVAL OF INFORMATION FROM REGISTRY.

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

(b) Not later than [14] days after receiving a request from an individual for removal of information the individual voluntarily submitted under Section 502(a), the central repository shall remove the information from the mistaken-identity-prevention registry.

[ARTICLE] 6

SYSTEMS SECURITY AND AUDITS

SECTION 601. SECURITY REQUIREMENTS. To promote the confidentiality and security of criminal-history-record information collected, received, stored, maintained, submitted, and disseminated under this [act], the central repository shall establish procedures designed to:

- (1) protect information that is stored or maintained from loss or damage;
- (2) allow only an authorized person access to the information;
- (3) select, supervise, and train individuals authorized to have access to the information;
- (4) meet, if computerized data processing is used, the technical guidance for the security of systems adopted by the [responsible agency or individual]; and
- (5) maintain an index of each data breach.

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

different functions under this act.

Legislative Note: *The senior elected or appointed official responsible for governmental oversight, audit, or integrity should be an individual outside the day-to-day operation of the criminal-history record-information system who is qualified to conduct these audits. Depending on the state structure, potential appropriate individuals to fill this role might be the Attorney General, the Auditor General, the Ombudsperson, the Inspector General, or other officer.*

SECTION 602. AUDITS.

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

(b) If the [title of senior elected or appointed official responsible for governmental oversight, audit, or integrity] certifies that an audit required by an entity of the United States satisfies the requirements of this section, no additional audit is required.

(c) An audit under this section must:

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

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

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

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

(d) A contributing justice agency and the central repository shall give the [title of senior

elected or appointed official responsible for governmental oversight, audit, or integrity] access to the records, reports, listings, and information required to conduct an audit under this section. An officer, employee, or contractor of this state or a political subdivision of this state with relevant information shall cooperate with the [title of senior elected or appointed official responsible for governmental oversight, audit, or integrity] and provide information requested for an audit.

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

[ARTICLE] 7

ENFORCEMENT AND IMPLEMENTATION

SECTION 701. REMEDIES.

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

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

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

SECTION 702. DUTIES AND AUTHORITY OF [RESPONSIBLE AGENCY OR INDIVIDUAL].

(a) The [responsible agency or individual] shall adopt procedures to implement this [act].

The procedures must include a provision that:

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

(2) is designed to provide that electronic data, including biometric information, are stored in a manner that meets the requirements of Section 601;

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

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

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

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

[ARTICLE] 8

MISCELLANEOUS PROVISIONS

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

SECTION 802. TRANSITIONAL PROVISION. Sections 203, 305, 401, 402, and 403 apply to criminal-history-record information that is in existence before, on or after the effective date of this [act] regardless of the date on which the record was created or when the reportable event occurred.

[SECTION 803. SEVERABILITY. If any provision of this [act] or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [act] which can be given effect without the invalid provision or application, and to this end the provisions of this [act] are severable.]

SECTION 804. REPEALS; CONFORMING AMENDMENTS.

(a)

(b)

(c)

SECTION 805. EFFECTIVE DATE. This [act] takes effect