



Uniform Law Commission
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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Memorandum

To: Members of the Uniform Law Commission Drafting Committee on Criminal Records Accuracy, ABA Advisors, and Observers.

From: Robert J Tennesen, Chair
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Date: December 5, 2014

I wish to thank President Harriet Lansing for appointing us members of the drafting committee on Criminal Records Accuracy and for the personal honor of being appointed chair. It is fitting and proper to acknowledge and thank all who contributed to the study committee's work and recommended that the ULC proceed with this endeavor. It is also appropriate to thank the Scope and Program and Executive Committees for approving this mission.

It is our noble mission and responsibility to improve the accuracy of criminal records created, retained, and disseminated by our local and state governments. Untoward consequences follow both to individuals and to the public from errors of inclusion and omission. Improving justice by enhancing accuracy is our objective.

Our work will be complex, demanding, and difficult and will be judged on whether it improves the accuracy of criminal records and enhances justice for all. It is a great challenge that will be met by the participation and diligent work of all: committee members, ABA advisors and observers.

Many developments concerning criminal records have occurred over the past decades, including the creation of the National Criminal Background Check System in 1993, the establishment of criminal history repositories in all states, and the increasing use of criminal record checks in connection with eligibility for employment, professional and occupational licenses, credit worthiness, and other non-criminal justice purposes. Recent studies have demonstrated that criminal records accessed for these purposes may be inaccurate or incomplete. Some of the causes of inaccuracy or incompleteness are: lack of information on dispositions after an arrest or other charge has been entered in a database; data entry errors resulting, e.g., in an incorrect listing of the offense, or multiple listings of the same offense, or attribution of an offense to a wrong individual; criminal identity theft (when an arrested person gives another person's identifying information); and searches for criminal record information resulting in one person's criminal record information appearing in search results initiated for a different individual. This drafting committee will draft an act that seeks to improve the accuracy of criminal records.

I'm very pleased to introduce you to our **Reporter Professor Steven L. Chanenson**, Villanova University School of Law, 299 N. Spring Mill Road, Villanova, PA 19085 and our **Associate Reporter Jordan M. Hyatt**, University of Pennsylvania, Jerry Lee Center of Criminology, Dept. of Criminology,

3718 Locust Walk, 483 McNeil Bldg, Philadelphia, PA 19104. Both have vast knowledge and experience in the work we are undertaking.

We are also very fortunate to have the services of two **ABA Advisors** who also served as Advisors to the study committee: **Steve Saltzburg**, Criminal Justice Section, George Washington University Law School, 2000 H Street NW, Washington, DC 20052-1013, and **Michael Aisenberg**, Section of Science & Technology, Mitre Corp, 7515 Colshire Dr., MS T320, McLean, VA 22102-7538.

Lindsay Beaver, ULC legislative counsel, will be providing assistance to our committee.

The first meeting of the committee will be in Washington DC March 27-28 and possibly on the 29th. Prior to that time the Reporters and I will prepare an issues memorandum for discussion at this meeting. I leave open the possibility that we may have a conference call prior to that meeting. Future meetings will be after the ULC 2015 annual conference. A first reading may take place in 2016.

The Reporters and I anticipate sending to you background information for your study and review in preparation for the first meeting.

I ask the observers to review the roster and advise Lindsay Beaver of any changes and indicate whether you will continue as an observer.

Enclosures:

1. Committee Charge
2. Study Committee Report
3. Committee Roster
4. CVs of Reporters