



UNIFORM CRIMINAL RECORDS ACCURACY ACT

Many developments concerning criminal records have occurred over the past twenty years, 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; data entry errors such as 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; and searches for criminal record information resulting in one person's criminal record information appearing in search results initiated for a different individual.

Although precise numbers are hard to come by the FBI has over 77.7 million individuals on file in its master criminal database involving felonies and misdemeanors. Criminal history record information (commonly called a rap sheet) is generated when an individual is arrested or charged with an offense. The rap sheet includes information on arrests, charges, bail, detention, convictions, acquittals, and sentencing. It should but does not always include the disposition after an arrest when no charges are filed, or charges are dropped. Criminal history record information is being used in an increasing number of contexts, including employment, housing, licensing, and public services.

The Uniform Criminal Records Accuracy Act is designed to improve the accuracy of criminal history record information that are frequently used in determining the eligibility of a person for employment, housing, credit, and licensing, in addition to law enforcement purposes.

The act is premised on three principles:

1. Society has a vital interest in the accuracy of criminal history record information.
2. Subjects are entitled to have their criminal history record information kept accurate.
3. The government has an obligation to ensure that the criminal history record information that it collects, stores, maintains, submits and disseminates is accurate.

The act imposes duties on governmental law enforcement agencies and courts that collect, store and use criminal history records, to ensure the accuracy of the criminal history record information. The act provides that states create a central repository (Section 201) and mandates that any criminal history records information be submitted to the central repository no later than five days after the information is collected.

The act requires the collection of biometric information, such as finger prints, for purposes of identification, when permitted or required by other law (Section 202). The use of biometric information should help ensure more complete and accurate records.

The act limits the dissemination of criminal history record information only as permitted by this act or by other law (Section 204). A dissemination log must be maintained to record all disclosures (Section 304).

The act provides individuals the right to see their criminal history record information (Section 302). The act further provides individuals the right to correct errors in their criminal history record information (Section 401).

The act mandates the creation and maintenance of a mistaken identity prevention registry (Section 501). Through use of a mistaken identity prevention registry, the act also provides a mechanism by which an individual, whose name is similar to and confused with a person who is the subject of criminal-history-record information, can receive a certification to minimize the possibility of a mistaken arrest. It is prima face evidence of the fact and can be used when applying for housing, employment, credit, or other opportunities.

The act provides for several oversight functions, such as establishing procedures for conducting periodic audits of criminal history record information (Section 602).

The act includes optional remedies for enforcement for non-compliance (Sections 701 and 702).

Accurate criminal history record information is essential for a properly functioning criminal justice system. Errors can result in problems for both citizens and law enforcement officials. The goal of the Uniform Criminal Records Accuracy Act is to assure the accuracy of the information contained in criminal-history-record information, and to provide a means for an individual to seek correction of inaccurate information.

For further information about the Uniform Criminal Records Accuracy Act, please contact ULC Legislative Program Director Katie Robinson at (312) 450-6600 or krobinson@uniformlaws.org.