Criminal Record Reporting Act

Summary
This Act would create a central repository for criminal records and designate the information that each state agency is responsible for submitting to the repository. For example, law enforcement officers would be responsible for submitting fingerprints, information on original charges, and descriptions of those arrested; prosecuting attorneys would be responsible for submitting information on all charges subsequently filed; court clerks would be responsible for submitting information on final dispositions; and corrections officers would be responsible for submitting information on time served.

The reporting requirements would apply for all felonies and serious misdemeanors, and the central repository would be the lead agency in coordinating with the Federal Bureau of Investigation's data collection activities.

Model Legislation

Title 1. (Title, enacting clause, etc.)

Section 1. (Title.) This Act may be cited as the Criminal Record Reporting Act.

Section 2. (Definitions.) As used in this Act:
(A) "Central repository" means the [insert appropriate state agency] for compiling and disseminating complete and accurate criminal history records.
(B) "Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from, sentencing, correctional supervision, and release.
(C) "Final disposition" means the formal conclusion of a criminal proceeding at whatever stage in the criminal justice system it occurs.
(D) "State offense cycle number" is a preprinted number on the state fingerprint card used to identify each arrest, which may include multiple offenses for which a person is fingerprinted. This number will be associated with the offense incident from the date of arrest to the date the offender exits from the criminal justice system.
(E) "Without undue delay" means as soon as possible but not later than 30 days after the criminal history event.

Section 3. (Reporting.)

(A) For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the Department of Corrections [or insert appropriate department], the sheriff of each county, the chief law enforcement official of each city or municipality, the probation and parole board, and the prosecuting attorney or circuit attorney of each county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner specified in this Act.

(B) All law enforcement agencies making misdemeanor and felony arrests as determined by Section 4 of this Act shall furnish without undue delay to the central repository fingerprints, charges, and descriptions of all persons who are arrested for such offenses. These reports shall be filed on standard fingerprint forms supplied by the central repository. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other agencies for the purpose of furnishing without undue delay such fingerprints, charges, and descriptions to the central repository upon its behalf.

(C) The circuit or prosecuting attorney of each county shall notify the central repository of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records required by this Act that are forwarded to the central repository by prosecuting or circuit attorneys shall include the state offense cycle number of the offense and the originating agency identifier number of the reporting prosecutor.

(D) The clerk of the court of each county shall furnish to the central repository, on standard forms supplied by the central repository, all final dispositions of criminal cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to Subsections (F) and (G) of this Section. Such information shall include, for each charge:

(1) all judgments of not guilty, judgments of guilty including the sentence pronounced by the court discharges, and dismissals in the trial court;
(2) a review of court orders filed with the clerk of the circuit court that reverse or remand a reported conviction or vacate or modify a sentence;
(3) an order of supervision or an order of probation granted; and
(4) all judgments terminating or revoking a sentence to probation, supervision, or conditional discharge and any re-sentencing after such revocation. All records forwarded to the central repository by courts as required by this Act shall include the state identification number of the offender, the offense cycle number of the offense, and the originating agency identifier number of the reporting court, using such numbers as are assigned by the central repository.

(E) The clerk of the court of each county shall furnish court dispositions and the state offense cycle number of each offense
that results in the commitment or assignment of an offender. This information shall be reported to the Department of Corrections [or insert appropriate department] at the time of commitment or assignment.

(F) After the court pronounces sentence, including an order of supervised probation granted for any offense that is required by statute to be reported, the prosecuting or circuit attorney may advise the court to order a law enforcement agency fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court may request the fingerprinting, if it determines that any person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the central repository without undue delay.

(G) The Department of Corrections [or insert appropriate department], shall furnish the central repository all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to the department's custody for any offense(s) that are mandated by this Act to be collected, maintained, or disseminated by the central repository. In the case of an individual charged with any such offense(s) who escapes from custody, the Department of Corrections [or insert appropriate state department] shall furnish immediately to the central repository, without undue delay, the date, hour, and manner of escape.

Beginning on the effective date of this Act, any person required by this Act to furnish records to the central repository who willfully refuses to furnish such records shall be guilty of a [insert class] misdemeanor.

Section 11. {Repealer clause.}
Section 12. (Effective date.)

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