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DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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, 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 on standard forms supplied by 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

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

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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 collected, maintained, or disseminated by the central repository, the prosecuting or circuit attorney may ask the court to order a law enforcement agency to fingerprint immediately all persons appearing before the court who have not previously been fingerprinted for the same case. The court may order the requested fingerprinting, if it determines that any sentenced person has not previously been fingerprinted for the same cases. 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 jail 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. All records forwarded to the central repository by custody agencies or sheriffs as required by this Act shall include the state offense cycle number of the offense and the originating agency identifier number of the department.

Section 4. {Reportable offenses.}

(A) For the purposes of this Act, reportable offenses include all felonies and serious or aggravated misdemeanors consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System. For the purposes of this Act, the following offenses are not reportable: drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, writing bad checks, false fire alarm, disorderly conduct, nonspecific charges of suspicion or investigation, and general traffic violations. Traffic violations for driving under the influence of drugs or alcohol are reportable. All reportable offenses shall be reviewed annually and noted in the charge code manual established in Section 7 of this Act.

(B) With the exception of the manual reporting of arrests and fingerprints by law enforcement agencies as noted in Subsection (B) of Section 3, and not withstanding Subsections (F) and (G) of Section 3, law enforcement agencies, court clerks, prosecutors, and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to the central repository via other criminal justice agency computer systems in the state with the approval of the director of the central repository.

Section 5. {National Reporting.}

(A) The central repository, under the authority of this Act, will fully participate in the entry and maintenance of records in the Federal Bureau of Investigation Interstate Identification Index (FBI III) System. The central repository shall report all required criminal history record information to the FBI III System in a timely manner and serve as the sole contact with the FBI for managing and coordinating the state's participation in the III System.

(B) After the state has become a member of the National III Interstate Compact, the central repository shall be enabled by this Act, in accordance with any compact rules and regulations, to release all criminal history record information to other criminal justice agencies outside of the state via the III System interfaces in response to inquiries for criminal history record information received from the other III System interfaces. Any restrictions on dissemination of criminal history record information specified in state statutes shall not apply to such disseminations of records to participants outside the state in the national III System. However, records received by state agencies from the national III System from other agencies outside the state shall be disseminated in the state in accordance with all state statutes which govern the dissemination of criminal history record information.

(C) All requests for criminal history record information received from the III System shall be handled by the central repository. The central repository will respond to each such request with all criminal history record information on file at the time of inquiry. Each such response to a III inquiry shall contain a caveat that advises the agency receiving the records to release such records in accordance with the laws pertaining to criminal history record information in the recipient state.

Section 6. {Research purposes.} All criminal history record information in the possession or control of the central repository, except criminal intelligence and investigating information, may be made available to qualified persons and organizations for research, evaluative, and statistical purposes under written agreements reasonably designed to ensure the security and confidentiality of the information and the protection of the privacy interests of the individuals who are the subjects of the criminal history. Prior to such information being made available, information that uniquely identifies the individual shall be deleted. Organizations receiving such criminal history record information shall not reestablish the identity of the individual and associate it with the criminal history record information being provided.

Section 7. {Rules and regulations.}

(A) The director of the central repository shall establish such rules and regulations as are necessary to implement the provisions of this Act. Such rules shall relate to the collection of criminal history information from or dissemination of such information to criminal justice, noncriminal justice, and private agencies or citizens both in this and other states.

(B) The state Supreme Court shall issue such orders and rules as are necessary to implement the provisions of this Act only as related to criminal history record information collected by and disseminated by or reported from courts in this state.

(C) The central repository shall publish and make available to criminal justice officials a standard manual of codes for all offenses in the state. The manual of codes shall be known as the "(insert name of state) Charge Code Manual" and shall be used by all criminal justice agencies for reporting information required by this Act.

(D) The central repository, with the approval of the attorney general, shall publish regulations governing the security and privacy of criminal history record information as required by this state and by federal law or regulation.

Section 8. {Juveniles.} This Act shall not require fingerprinting of juvenile offenders or reporting of information pertaining to a proceeding pursuant to [insert juvenile code citation, if applicable] except in those cases where a juvenile is certified to the circuit court to stand trial as an adult.

Section 9. {Penalty for noncompliance.} 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 10. {Severability clause.}

Section 11. {Repealer clause.}

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