

Recommendations on H.R. 5258

The DUI Reporting Act of 2016

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Submitted by SEARCH, The National Consortium for Justice Information and Statistics¹

H.R. 5258: The DUI Reporting Act of 2016 would require State and local law enforcement agencies to report arrests for offenses that involve driving under the influence (DUI) to the National Crime Information Center (NCIC) as a condition of receiving full Byrne Justice Assistance Grant (Byrne-JAG) Program funding.

Background on Pertinent Databases Containing Criminal History Information:

- The **NCIC** is an electronic database consisting of 21 files that help criminal justice professionals apprehend fugitives from justice, locate missing persons, recover stolen property, identify terrorists, and verify persons subject to domestic violence protection orders.
- Administered by the FBI, and participated in by all states, the **Interstate Identification Index (III)** is a fingerprint supported automated criminal records exchange system that includes arrest and disposition information for individuals charged with felonies or misdemeanors under State or Federal law.
 - Currently, law enforcement agencies report DUI arrest and conviction information to a State Department of Motor Vehicles (DMV) or equivalent agency responsible for issuing drivers' licenses and maintaining driver histories. In all states, the International Justice and Public Safety Network (NIJ) makes this information available to the state criminal justice community and law enforcement. In most jurisdictions, DUI is a criminal offense reportable to the state criminal history repository as well, thus making records accessible through the III.

SEARCH Position:

- SEARCH values collective and cooperative efforts by State, Local, Tribal, Territorial, and Federal jurisdictions to share justice, public safety, and homeland security information. Preventing, investigating, and prosecuting criminal and terrorist activity, and protecting the public require that information and intelligence be available to all decision-makers in a manner that is responsible, seamless, and secure.
- SEARCH values the legal, policy, and operational framework that the Congress and States have established to govern the exchange of criminal justice information for criminal record background screening.
 - Over the years, Congress and the States have established a framework of laws, policies, and operational procedures that govern how criminal records are exchanged among States—and between States and the Federal government—to screen the background of individuals.

SEARCH Recommendations:

- SEARCH is supportive of the sponsor's intent to create a more accurate and complete list of DUI convictions and ensure that repeat DUI offenders are not charged as first-time lawbreakers, but recommends that the legislation be modified to require State and local law enforcement agencies to report arrests for offenses that involve DUI to the III, as opposed to the NCIC.
 - The III is the appropriate database to report DUI arrest information. Requiring such information to be reported to the NCIC could lead to duplicative records, as well as a financial burden on the states.
- Additionally, SEARCH recommends compliance with the requirements of the Act to be based on incentives rather than penalties on the Byrne-JAG Program.
 - States, territories, cities, and counties use this important funding to test emerging and evidence-based approaches to the public safety challenges facing their jurisdictions. Byrne-JAG penalties would negatively impact these critical activities.

If you have any questions, please contact Melissa Nee (melissa@search.org).

¹ SEARCH, The National Consortium for Justice Information and Statistics, is a nonprofit organization governed by a Membership Group of governor appointees from the States and territories. SEARCH Members operate the State criminal history record systems, which are used to provide criminal history records information for criminal and civil background screening.