



ENACTMENT NEWS

House Bill 6 **Dissemination of Criminal Record Information** Effective January 2018

On October 19, 2017, the Governor signed into law House Bill 6 (Rep. Barnes), which aims to prevent publishers of criminal record information from soliciting money to disseminate accurate information. The bill takes effect in January, 2018.

The act creates the offense of "misuse of criminal record information," which generally prohibits a person engaged in publishing or disseminating criminal record information from soliciting or accepting payment in exchange for removing, correcting, modifying, or not disseminating the information. A violation of the prohibition is an M1 and each solicitation of money is a separate violation. The new statute is meant to prevent information from a sealed or corrected criminal record from being disseminated by allowing someone to simply ask a website or other publisher to remove or correct the information.

"Criminal record information" means a booking photograph; the individual's name; the individual's address; the individual's description; and information about charges filed against the individual.

The bill also creates a cause of action for a person who is the victim of such a violation. Damages for lawsuits arising out of criminal acts, under continuing law, are up to \$10,000 or the actual cost, whichever is greater; this would now apply to the newly created criminal act of "misuse of criminal record information."