II

104TH CONGRESS

2D SESSION S. 2084 To expedite State reviews of criminal records of applicants for private security

officer employment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 1996 Mr. DEWINE introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL To expedite State reviews of criminal records of applicants

for private security officer employment, and for other

purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the ‘‘Private Security Offi-
5 cer Quality Assurance Act of 1996’’.
6 SEC. 2. FINDINGS.

7 The Congress finds that—

8 (1) employment of private security officers in
9 the United States is growing rapidly;

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1 (2) the private security industry provides nu-
2 merous opportunities for entry-level job applicants,

3 including individuals suffering from unemployment
4 due to economic conditions or dislocations;
5 (3) sworn law enforcement officers provide sig-

6 nificant services to the citizens of the United States
7 in its public areas, and are only supplemented by

8 private security officers who provide prevention and
9 reporting services in support of, but not in place of,

10 regular sworn police;
11 (4) given the growth of large private shopping
12 malls, and the consequent reduction in the number

13 of public shopping streets, the American public is
14 more likely to have contact with private security per-

15 sonnel in the course of a day than with sworn law
16 enforcement officers;
17 (5) regardless of the differences in their duties,

18 skill, and responsibilities, the public has difficulty in
19 discerning the difference between sworn law enforce-

20 ment officers and private security personnel; and
21 (6) the American public demands the employ-
22 ment of qualified, well-trained private security per-

23 sonnel as an adjunct, but not a replacement for

24 sworn law enforcement officers.

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1 SEC. 3. DEFINITIONS.

2 For purposes of this Act—
3 (1) the term ‘‘employee’’ includes an applicant

4 for employment;
5 (2) the term ‘‘employer’’ means any person
6 that—

7 (A) employs one or more private security
8 officers; or
9 (B) provides, as an independent contrac-

10 tor, for consideration, the services of one or
11 more private security officers (possibly includ-

12 ing oneself);
13 (3) the term ‘‘private security officer’’
14 (A) means—

15 (i) an individual who performs secu-
16 rity services, full or part time, for consider-

17 ation as an independent contractor or an
18 employee, whether armed or unarmed and

19 in uniform or plain clothes whose primary
20 duty is to perform security services, or
21 (ii) an individual who is an employee

22 of an electronic security system company
23 engaged in one or more of the following ac-
24 tivities in the State: burglar alarm techni-

25 cian, fire alarm technician, closed circuit

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1 television technician, access control techni-
2 cian, or security system monitor; but
3 (B) does not include—

4 (i) sworn police officers who have law
5 enforcement powers in the State,

6 (ii) attorneys, accountants, and other
7 professionals who are otherwise licensed in

8 the State,
9 (iii) employees whose duties are pri-

10 marily internal audit or credit functions,
11 (iv) persons whose duties may inciden-
12 tally include the reporting or apprehension

13 of shoplifters or trespassers, or
14 (v) an individual on active duty in the

15 military service;
16 (4) the term ‘‘security services’’ means the per-
17 formance of one or more of the following:

18 (A) the observation or reporting of intru-
19 sion, larceny, vandalism, fire or trespass;
20 (B) the deterrence of theft or misappro-

21 priation of any goods, money, or other item of
22 value;

23 (C) the observation or reporting of any un-
24 lawful activity;

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1 (D) the protection of individuals or prop-
2 erty, including proprietary information, from

3 harm or misappropriation;
4 (E) the control of access to premises being

5 protected;
6 (F) the secure movement of prisoners;
7 (G) the maintenance of order and safety at

8 athletic, entertainment, or other public activi-
9 ties;
10 (H) the provision of canine services for

11 protecting premises or for the detection of any
12 unlawful device or substance; and

13 (I) the transportation of money or other
14 valuables by armored vehicle; and
15 (5) the term ‘‘State’’ means any of the several

16 States, the District of Columbia, the Commonwealth
17 of Puerto Rico, the United States Virgin Islands,

18 American Samoa, Guam, and the Commonwealth of

19 the Northern Mariana Islands.

20 SEC. 4. BACKGROUND CHECKS.

21 (a) IN GENERAL.—
22 (1) SUBMISSION.—An association of employers

23 of private security officers, designated for the pur-
24 pose of this section by the Attorney General, may

25 submit fingerprints or other methods of positive

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1 identification approved by the Attorney General, to
2 the Attorney General on behalf of any applicant for

3 a State license or certificate of registration as a pri-
4 vate security officer or employer of private security

5 officers.

6 (2) EXCHANGE.—In response to a submission
7 under paragraph (1), the Attorney General may, to

8 the extent provided by State law conforming to the
9 requirements of the second paragraph under the
10 heading ‘‘Federal Bureau of Investigation’’ and the

11 subheading ‘‘Salaries and Expenses’’ in title II of
12 Public Law 92–544 (86 Stat. 1115), exchange, for

13 licensing and employment purposes, identification
14 and criminal history records with the State govern-

15 mental agencies to which the applicant has applied.
16 (b) REGULATIONS.—The Attorney General may pre-
17 scribe such regulations as may be necessary to carry out

18 this section, including measures relating to the security, 19 confidentiality, accuracy, use, and dissemination of infor-

20 mation and audits and recordkeeping.
21 (c) REPORT.—The Attorney General shall report to
22 the Senate and House Committees on the Judiciary 2

23 years after the date of enactment of this bill on the num-24 ber of inquiries made by the association of employers

25 under this section and their disposition.

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1 SEC. 5. STATE PARTICIPATION.

2 It is the sense of the Congress that each State should 3 participate in the background check system established

4 under section 4.
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