

105TH CONGRESS
1ST SESSION

H. R. 103

IN THE SENATE OF THE UNITED STATES

JULY 29, 1997

Received

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Read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Private Security Offi-
3 cer Quality Assurance Act of 1997”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

8 (2) the private security industry provides nu-
9 merous opportunities for entry-level job applicants,
10 including individuals suffering from unemployment
11 due to economic conditions or dislocations;

12 (3) sworn law enforcement officers provide sig-
13 nificant services to the citizens of the United States
14 in its public areas, and are only supplemented by
15 private security officers who provide prevention and
16 reporting services in support of, but not in place of,
17 regular sworn police;

18 (4) given the growth of large private shopping
19 malls, and the consequent reduction in the number
20 of public shopping streets, the American public is
21 more likely to have contact with private security per-
22 sonnel in the course of a day than with sworn law
23 enforcement officers;

24 (5) regardless of the differences in their duties,
25 skill, and responsibilities, the public has difficulty in

1 discerning the difference between sworn law enforce-
2 ment officers and private security personnel; and

3 (6) the American public demands the employ-
4 ment of qualified, well-trained private security per-
5 sonnel as an adjunct, but not a replacement for
6 sworn law enforcement officers.

7 **SEC. 3. BACKGROUND CHECKS.**

8 (a) IN GENERAL.—An association of employers of
9 private security officers, designated for the purpose of this
10 section by the Attorney General, may submit fingerprints
11 or other methods of positive identification approved by the
12 Attorney General, to the Attorney General on behalf of
13 any applicant for a State license or certificate of registra-
14 tion as a private security officer or employer of private
15 security officers. In response to such a submission, the At-
16 torney General may, to the extent provided by State law
17 conforming to the requirements of the second paragraph
18 under the heading “Federal Bureau of Investigation” and
19 the subheading “Salaries and Expenses” in title II of Pub-
20 lic Law 92–544 (86 Stat. 1115), exchange, for licensing
21 and employment purposes, identification and criminal his-
22 tory records with the State governmental agencies to
23 which such applicant has applied.

24 (b) REGULATIONS.—The Attorney General may pre-
25 scribe such regulations as may be necessary to carry out

1 this section, including measures relating to the security,
2 confidentiality, accuracy, use, and dissemination of infor-
3 mation and audits and recordkeeping and the imposition
4 of fees necessary for the recovery of costs.

5 (c) REPORT.—The Attorney General shall report to
6 the Senate and House Committees on the Judiciary 2
7 years after the date of enactment of this bill on the num-
8 ber of inquiries made by the association of employers
9 under this section and their disposition.

10 **SEC. 4. SENSE OF CONGRESS.**

11 It is the sense of Congress that States should partici-
12 pate in the background check system established under
13 section 3.

14 **SEC. 5. DEFINITIONS.**

15 As used in this Act—

16 (1) the term “employee” includes an applicant
17 for employment;

18 (2) the term “employer” means any person
19 that—

20 (A) employs one or more private security
21 officers; or

22 (B) provides, as an independent contrac-
23 tor, for consideration, the services of one or
24 more private security officers (possibly includ-
25 ing oneself);

1 (3) the term “private security officer”—

2 (A) means—

3 (i) an individual who performs secu-
4 rity services, full or part time, for consider-
5 ation as an independent contractor or an
6 employee, whether armed or unarmed and
7 in uniform or plain clothes whose primary
8 duty is to perform security services, or

9 (ii) an individual who is an employee
10 of an electronic security system company
11 who is engaged in one or more of the fol-
12 lowing activities in the State: burglar
13 alarm technician, fire alarm technician,
14 closed circuit television technician, access
15 control technician, or security system mon-
16 itor; but

17 (B) does not include—

18 (i) sworn police officers who have law
19 enforcement powers in the State,

20 (ii) attorneys, accountants, and other
21 professionals who are otherwise licensed in
22 the State,

23 (iii) employees whose duties are pri-
24 marily internal audit or credit functions,

1 (iv) persons whose duties may inciden-
2 tally include the reporting or apprehension
3 of shoplifters or trespassers, or

4 (v) an individual on active duty in the
5 military service;

6 (4) the term “certificate of registration” means
7 a license, permit, certificate, registration card, or
8 other formal written permission from the State for
9 the person to engage in providing security services;

10 (5) the term “security services” means the per-
11 formance of one or more of the following:

12 (A) the observation or reporting of intru-
13 sion, larceny, vandalism, fire or trespass;

14 (B) the deterrence of theft or misappro-
15 priation of any goods, money, or other item of
16 value;

17 (C) the observation or reporting of any un-
18 lawful activity;

19 (D) the protection of individuals or prop-
20 erty, including proprietary information, from
21 harm or misappropriation;

22 (E) the control of access to premises being
23 protected;

24 (F) the secure movement of prisoners;

1 (G) the maintenance of order and safety at
2 athletic, entertainment, or other public activi-
3 ties;

4 (H) the provision of canine services for
5 protecting premises or for the detection of any
6 unlawful device or substance; and

7 (I) the transportation of money or other
8 valuables by armored vehicle; and

9 (6) the term “State” means any of the several
10 States, the District of Columbia, the Commonwealth
11 of Puerto Rico, the United States Virgin Islands,
12 American Samoa, Guam, and the Commonwealth of
13 the Northern Mariana Islands.

Passed the House of Representatives July 28, 1997.

Attest:

ROBIN H. CARLE,

Clerk.