

Union Calendar No. 278

109TH CONGRESS
2^D SESSION

H. R. 4894

[Report No. 109-497]

To provide for certain access to national crime information databases by schools and educational agencies for employment purposes, with respect to individuals who work with children.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2006

Mr. PORTER introduced the following bill; which was referred to the
Committee on the Judiciary

JUNE 12, 2006

Additional sponsors: Mr. KIRK, Mr. SESSIONS, Mr. FITZPATRICK of Pennsylvania, Mr. SOUDER, Mr. UDALL of Colorado, Mr. WILSON of South Carolina, Mr. MCKEON, Mr. SHAYS, Mr. REICHERT, Mrs. MILLER of Michigan, Mr. CAMPBELL of California, Mr. COLE of Oklahoma, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. FOSSELLA, Mr. KELLER, Mrs. BIGGERT, Mr. MCCAUL of Texas, Mr. KUHLMAN of New York, Mr. PRICE of Georgia, Mr. DAVIS of Kentucky, Mr. FRELINGHUYSEN, Mr. WELLER, Mr. PLATTS, Mr. WOLF, Mr. JINDAL, Mr. BOEHLERT, Mr. PEARCE, Mrs. JOHNSON of Connecticut, Mr. MURPHY, Ms. ROS-LEHTINEN, Mr. PETRI, Mr. MARCHANT, Mr. CASTLE, Mr. NORWOOD, Mr. EHLERS, Mr. SCHWARZ of Michigan, Mr. ROGERS of Michigan, Mr. REYNOLDS, Mr. BRADLEY of New Hampshire, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mrs. WILSON of New Mexico, Mr. BASS, Mr. PUTNAM, Mr. POE, Mr. FERGUSON, Mr. SHIMKUS, Mr. ISSA, Mr. DENT, Mr. OTTER, Mr. BACHUS, Mr. TIBERI, Mr. BEAUPREZ, and Mr. BOUSTANY

JUNE 12, 2006

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for certain access to national crime information databases by schools and educational agencies for employment purposes, with respect to individuals who work with children.

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. ACCESS TO NATIONAL CRIME INFORMATION**
 4 **DATABASES BY SCHOOLS AND EDUCATIONAL**
 5 **AGENCIES FOR CERTAIN PURPOSES.**

6 (a) ~~IN GENERAL.~~—The Attorney General of the
 7 United States shall, upon request of the chief executive
 8 officer of a State, conduct fingerprint-based checks of the
 9 national crime information databases (as defined in sec-
 10 tion ~~534(f)(3)(A)~~ of title 28, United States Code, as reded-
 11 icated under subsection (c)); pursuant to a request sub-
 12 mitted by a private elementary school, private secondary
 13 school, local educational agency, or State educational
 14 agency in that State, on individuals employed by, under
 15 consideration for employment by, or volunteering for the
 16 school or agency in a position which the individual would
 17 work with or around children. Where possible, the check
 18 shall include a fingerprint-based check of State criminal

1 history databases. The Attorney General and the States
2 may charge any applicable fees for these checks.

3 (b) PROTECTION OF INFORMATION.—An individual
4 having information derived as a result of a check under
5 subsection (a) may release that information only to an ap-
6 propriate officer of a private elementary school, private
7 secondary school, local educational agency, or State edu-
8 cational agency, or to any person authorized by law to re-
9 ceive that information.

10 (c) CRIMINAL PENALTIES.—An individual who know-
11 ingly exceeds the authority in subsection (a), or knowingly
12 releases information in violation of subsection (b), shall
13 be imprisoned not more than 10 years or fined under title
14 18, United States Code, or both.

15 (d) DEFINITIONS.—In this section, the terms “ele-
16 mentary school”, “local educational agency”, “secondary
17 school”, and “State educational agency”, have the mean-
18 ings given to those terms in section 9101 of the Elemen-
19 tary and Secondary Education Act of 1965 (20 U.S.C.
20 7801).

21 (e) TECHNICAL CORRECTION.—Section 534 of title
22 28, United States Code, as amended by section 905(a) of
23 the Violence Against Women and Department of Justice
24 Reauthorization Act of 2005 (Pub. Law 109–162), is fur-

1 ~~then amended by redesignating the second subsection (e)~~
2 ~~as subsection (f).~~

3 **SECTION 1. ACCESS TO NATIONAL CRIME INFORMATION**
4 **DATABASES BY SCHOOLS AND EDUCATIONAL**
5 **AGENCIES FOR CERTAIN PURPOSES.**

6 (a) *IN GENERAL.*—*The Attorney General of the United*
7 *States shall, upon request of the chief executive officer of*
8 *a State, conduct fingerprint-based checks of the national*
9 *crime information databases (as defined in section*
10 *534(f)(3)(A) of title 28, United States Code, as redesignated*
11 *under subsection (e)), pursuant to a request submitted by*
12 *an entity of the State, or unit of local government, which*
13 *is designated to conduct background checks on individuals*
14 *employed by, under consideration for employment by, or*
15 *volunteering for, a private or public elementary school, pri-*
16 *vate or public secondary school, local educational agency,*
17 *or State educational agency in that State in a position in*
18 *which the individual would work with or around children.*
19 *Where possible, the check shall include a fingerprint-based*
20 *check of State criminal history databases. The Attorney*
21 *General and the States may charge any applicable fees for*
22 *these checks.*

23 (b) *PROTECTION OF INFORMATION.*—*An individual*
24 *having information derived as a result of a check under*
25 *subsection (a) may release that information only to an ap-*

1 *propriate officer of a private elementary school, private sec-*
2 *ondary school, local educational agency, or State edu-*
3 *cational agency, or to any person authorized by law to re-*
4 *ceive that information.*

5 *(c) CRIMINAL PENALTIES.—An individual who know-*
6 *ingly exceeds the authority in subsection (a), or knowingly*
7 *releases information in violation of subsection (b), shall be*
8 *imprisoned not more than 10 years or fined under title 18,*
9 *United States Code, or both.*

10 *(d) DEFINITIONS.—In this section, the terms “elemen-*
11 *tary school”, “local educational agency”, “secondary*
12 *school”, and “State educational agency”, have the meanings*
13 *given to those terms in section 9101 of the Elementary and*
14 *Secondary Education Act of 1965 (20 U.S.C. 7801).*

15 *(e) TECHNICAL CORRECTION.—Section 534 of title 28,*
16 *United States Code, as amended by section 905(a) of the*
17 *Violence Against Women and Department of Justice Reau-*
18 *thorization Act of 2005 (Public Law 109–162), is further*
19 *amended by redesignating the second subsection (e) as sub-*
20 *section (f).*

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