

109TH CONGRESS
2^D SESSION

H. R. 4894

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

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

1 national crime information databases (as defined in sec-
2 tion 534(f)(3)(A) of title 28, United States Code, as redes-
3 igned under subsection (e)), pursuant to a request sub-
4 mitted by a private elementary school, private secondary
5 school, local educational agency, or State educational
6 agency in that State, on individuals employed by, under
7 consideration for employment by, or volunteering for the
8 school or agency in a position which the individual would
9 work with or around children. Where possible, the check
10 shall include a fingerprint-based check of State criminal
11 history databases. The Attorney General and the States
12 may charge any applicable fees for these checks.

13 (b) PROTECTION OF INFORMATION.—An individual
14 having information derived as a result of a check under
15 subsection (a) may release that information only to an ap-
16 propriate officer of a private elementary school, private
17 secondary school, local educational agency, or State edu-
18 cational agency, or to any person authorized by law to re-
19 ceive that information.

20 (c) CRIMINAL PENALTIES.—An individual who know-
21 ingly exceeds the authority in subsection (a), or knowingly
22 releases information in violation of subsection (b), shall
23 be imprisoned not more than 10 years or fined under title
24 18, United States Code, or both.

1 (d) DEFINITIONS.—In this section, the terms “ele-
2 mentary school”, “local educational agency”, “secondary
3 school”, and “State educational agency”, have the mean-
4 ings given to those terms in section 9101 of the Elemen-
5 tary and Secondary Education Act of 1965 (20 U.S.C.
6 7801).

7 (e) TECHNICAL CORRECTION.—Section 534 of title
8 28, United States Code, as amended by section 905(a) of
9 the Violence Against Women and Department of Justice
10 Reauthorization Act of 2005 (Pub. Law 109–162), is fur-
11 ther amended by redesignating the second subsection (e)
12 as subsection (f).

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