

104TH CONGRESS  
2D SESSION

# H. R. 3263

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a national clearinghouse to assist in background checks of law enforcement applicants.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1996

Mr. JOHNSTON of Florida (for himself, Mr. FROST, Ms. LOFGREN, Mr. McDERMOTT, Mr. THOMPSON, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. SHAW, Mrs. MINK of Hawaii, Mr. CANADY of Florida, Mr. RAHALL, Mr. BRYANT of Texas, Ms. NORTON, and Mr. FRAZER) introduced the following bill; which was referred to the Committee on Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a national clearinghouse to assist in background checks of law enforcement applicants.

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 “Law Enforcement and  
5 Correctional Officers Employment Registration Act of  
6 1996”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) law enforcement officials, including mem-  
4 bers of the International Association of Chiefs of Po-  
5 lice, recognize that violent crime represents the  
6 greatest threat to the safety and security of citizens  
7 and that dedicated, ethical law enforcement profes-  
8 sionals, and lawful initiatives and participation by  
9 members of the community represent the best hope  
10 of responding to the challenges of violent crime;

11 (2) the International Association of Chiefs of  
12 Police acknowledges that a few officers choose to  
13 violate the public trust by abusing their authority or  
14 by breaking the law and that such officers should  
15 not be permitted to seek police employment in an-  
16 other State or jurisdiction with the expectation that  
17 they will be able to conceal their history of mis-  
18 conduct;

19 (3) there have been numerous documented  
20 cases of officers who have obtained officer employ-  
21 ment and certification in a State after revocation of  
22 officer certification or dishonorable discharge in an-  
23 other State;

24 (4) a national clearinghouse of officer employ-  
25 ment histories would enable each criminal justice  
26 agency to conduct thorough background checks on

1 officer applicants and to assure that only honest eth-  
2 ical officers are permitted to serve; and

3 (5) Federal legislation is needed that would re-  
4 quire Federal registration of employment termi-  
5 nation data of law enforcement officers and correc-  
6 tional officers.

7 **SEC. 3. REGISTRATION.**

8 Subpart 1 of part E of the Omnibus Crime Control  
9 and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.)  
10 is amended by adding at the end the following:

11 “REGISTRATION OF EMPLOYMENT DATA OF LAW  
12 ENFORCEMENT AND CORRECTIONAL OFFICERS

13 “SEC. 509a. (a)(1) The Governor of each State, or  
14 chief executive of each Territory of the United States, that  
15 receives funds under section 506 in a fiscal year shall des-  
16 ignate an official or agency which shall submit to an offi-  
17 cer or agency designated by the Attorney General of the  
18 United States, a list of all law enforcement and correc-  
19 tional officers who held such office in such State or terri-  
20 tory on or since January 1, 1990, in accordance with para-  
21 graph (2). Such list shall be updated and supplemented  
22 by agencies or officials responsible for submission of em-  
23 ployment data in accordance with subsection (b).

24 “(2) Such list shall include the names (and any  
25 former names), dates of birth, social security numbers,  
26 Federal Bureau of Investigation fingerprint identification

1 numbers if known, the dates of appointment as officers  
2 if known, the names and addresses or National Crime In-  
3 formation Center numbers of the appointing or employing  
4 agencies, and, if applicable, the dates such service ended  
5 for such officers.

6 “(b) The agency or official responsible for submission  
7 of such employment data shall, not later than 90 days  
8 after an officer’s employment, appointment, or separation  
9 from employment or appointment, notify the agency or of-  
10 ficer designated by the Attorney General of the United  
11 States to receive such employment data, that a law en-  
12 forcement officer or correctional officer has been ap-  
13 pointed or employed as an officer, or that a registered offi-  
14 cer is no longer empowered or employed as such. If the  
15 former officer has had officer certification revoked for  
16 cause, that fact shall be reported.

17 “(c) For purposes of this section—

18 “(1) the term ‘law enforcement officer’ means  
19 an individual who is elected or appointed by a State  
20 or territory, or a political subdivision thereof, or by  
21 a Native American Indian tribe or band, to conserve  
22 the peace, or to make arrests or serve warrants, or  
23 to otherwise possess or exercise the authority of a  
24 peace officer in such State or territory; and

1           “(2) the term ‘correctional officer’ means an in-  
2           dividual who is elected or appointed by a State or  
3           territory, or a political subdivision thereof, to guard  
4           or supervise prisoners or inmates of jails or other  
5           detention, penal, or correctional facilities.

6 A ‘law enforcement officer’ or ‘correctional officer’ in-  
7           cludes an individual whether compensated for services or  
8           not, whether full- or part-time, and whether appointment,  
9           election, or term of office is temporary or permanent. Such  
10          terms do not include citizens who are called to assist an  
11          officer in the performance of the officer’s duties unless  
12          such citizen received a deputation or commission of ap-  
13          pointment lasting longer than 30 days.

14          “(d)(1) As a condition of employment, each State,  
15          territory, or political subdivision thereof, that employs law  
16          enforcement officers or correctional officers shall require  
17          all applicants for appointment to or employment in such  
18          positions before beginning employment—

19                 “(A) to disclose all prior service or employment  
20                 as a law enforcement or correctional officer; and

21                 “(B) to submit a written authorization and re-  
22                 quest for release of information, on a form pre-  
23                 scribed by the Attorney General or designee.

24          “(2) When a prospective law enforcement or correc-  
25          tional employer obtains an officer’s required written au-

1 thORIZATION and request for release of information, the At-  
2 torney General (or designee) is directed to release all data  
3 collected under subsections (a) and (b) of this section to  
4 such prospective employer.

5       “(3) Upon receipt of a completed written authoriza-  
6 tion and request for release of information and not later  
7 than 30 days after such officer is first appointed or em-  
8 ployed or at any time prior to the appointment or employ-  
9 ment of an applicant, each State, territory, and political  
10 subdivision thereof shall notify the Attorney General (or  
11 designee).

12       “(e) The Attorney General shall issue regulations for  
13 the implementation of this section and the operation of  
14 the employment data clearinghouse.

15       “(f) Agencies or agency administrators who submit  
16 employment or officer certification data pursuant to this  
17 section are presumed to be acting in good faith and, unless  
18 lack of good faith is shown by clear and convincing evi-  
19 dence, are immune from civil liability for such disclosure  
20 or its consequences. The presumption of good faith is re-  
21 butted upon a showing that the data was submitted with  
22 knowledge of its falsity or was submitted with the mali-  
23 cious intent to deliberately mislead.”.

1 **SEC. 4. EFFECTIVE DATES.**

2 (a) IN GENERAL.—This Act shall take effect on Jan-  
3 uary 1, 1997.

4 (b) INFORMATION COMPLIANCE.—Lists required  
5 under section 509a(a) of the Omnibus Crime Control and  
6 Safe Streets Act of 1968 shall be submitted not later than  
7 180 days after the enactment of this Act.

8 (c) STATE COMPLIANCE.—Beginning not later than  
9 180 days after the date of the enactment of this Act, each  
10 State, territory, or political subdivision thereof, shall com-  
11 ply with the requirements described in subsection (d) of  
12 section 509a of the Omnibus Crime Control and Safe  
13 Streets Act of 1968.

14 **SEC. 5. REPORTS.**

15 Not later than 2 years after the date of the enact-  
16 ment of this Act, the Attorney General, upon consultation  
17 with the Director of the Bureau of Justice Assistance,  
18 shall submit a report to the Committees on the Judiciary  
19 of the House of Representatives and the Senate evaluating  
20 the compliance of the States with the requirements of sec-  
21 tion 509a of the Omnibus Crime Control and Safe Streets  
22 Act of 1968, and listing each State that has failed materi-  
23 ally to comply with the requirements of this section. Such  
24 subsequent reports shall be presented as are deemed ap-  
25 propriate by the Attorney General.