

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3445

To direct the Attorney General of the United States, upon request of the chief executive officer of a State, to provide officers of local educational agencies and the State educational agency in that State with certain access to the national crime information databases, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2005

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

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## A BILL

To direct the Attorney General of the United States, upon request of the chief executive officer of a State, to provide officers of local educational agencies and the State educational agency in that State with certain access to the national crime information databases, 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 “Schools Safely Acquir-  
5       ing Faculty Excellence Act of 2005”.

1 **SEC. 2. ACCESS TO FEDERAL CRIME INFORMATION DATA-**  
2 **BASES BY EDUCATIONAL AGENCIES FOR CER-**  
3 **TAIN PURPOSES.**

4 (a) **IN GENERAL.**—The Attorney General of the  
5 United States shall, upon request of the chief executive  
6 officer of a State, ensure that appropriate officers of local  
7 educational agencies and the State educational agency in  
8 that State have the authority for “read only” online access  
9 to the databases of the national crime information data-  
10 bases (as defined in section 534 of title 28, United States  
11 Code) to carry out criminal history records checks, subject  
12 to subsection (b).

13 (b) **LIMITATION.**—An officer may use the authority  
14 under subsection (a) only in furtherance of the purposes  
15 of the local educational agency or State educational agency  
16 and only on an individual under consideration for employ-  
17 ment by the agency in a position in which the individual  
18 would work with or around children.

19 (c) **PROTECTION OF INFORMATION.**—An individual  
20 having information derived as a result of a check under  
21 subsection (a) may release that information only to an ap-  
22 propriate officer of a local educational agency or a State  
23 educational agency, or to another person authorized by  
24 law to receive that information.

25 (d) **CRIMINAL PENALTIES.**—An individual who know-  
26 ingly exceeds the authority in subsection (a), or knowingly

1 releases information in violation of subsection (c), shall be  
2 imprisoned not more than 10 years or fined under title  
3 18, United States Code, or both.

4 (e) DEFINITION.—In this section, the terms “local  
5 educational agency” and “State educational agency” have  
6 the meanings given to those terms in section 9101 of the  
7 Elementary and Secondary Education Act of 1965 (20  
8 U.S.C. 7801).

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