

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4894

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IN THE SENATE OF THE UNITED STATES

JUNE 14, 2006

Received

AUGUST 4 (legislative day, AUGUST 3), 2006

Read twice and referred to the Committee on the Judiciary

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## AN ACT

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,*

1 **SECTION 1. ACCESS TO NATIONAL CRIME INFORMATION**  
2 **DATABASES BY SCHOOLS AND EDUCATIONAL**  
3 **AGENCIES FOR CERTAIN 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, conduct fingerprint-based checks of the  
7 national crime information databases (as defined in sec-  
8 tion 534(f)(3)(A) of title 28, United States Code, as redes-  
9 ignated under subsection (e)), pursuant to a request sub-  
10 mitted by an entity of the State, or unit of local govern-  
11 ment, which is designated to conduct background checks  
12 on individuals employed by, under consideration for em-  
13 ployment by, or volunteering for, a private or public ele-  
14 mentary school, private or public secondary school, local  
15 educational agency, or State educational agency in that  
16 State in a position in which the individual would work with  
17 or around children. Where possible, the check shall include  
18 a fingerprint-based check of State criminal history data-  
19 bases. The Attorney General and the States may charge  
20 any applicable fees for these checks.

21 (b) PROTECTION OF INFORMATION.—An individual  
22 having information derived as a result of a check under  
23 subsection (a) may release that information only to an ap-  
24 propriate officer of a private elementary school, private  
25 secondary school, local educational agency, or State edu-

1 cational agency, or to any person authorized by law to re-  
2 ceive that information.

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

8 (d) DEFINITIONS.—In this section, the terms “ele-  
9 mentary school”, “local educational agency”, “secondary  
10 school”, and “State educational agency”, have the mean-  
11 ings given to those terms in section 9101 of the Elemen-  
12 tary and Secondary Education Act of 1965 (20 U.S.C.  
13 7801).

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

Passed the House of Representatives June 13, 2006.

Attest:

KAREN L. HAAS,

*Clerk.*