

110TH CONGRESS
1ST SESSION

H. R. 2703

To amend the Private Security Officer Employment Authorization Act of 2004.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2007

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Private Security Officer Employment Authorization Act of 2004.

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 “Private Security Offi-
5 cer Employment Authorization Act of 2007”.

1 SEC. 2. REVIEWS OF CRIMINAL RECORDS OF APPLICANTS
2 FOR PRIVATE SECURITY OFFICER EMPLOY-
3 MENT.

4 Section 6402 of the Private Security Officer Employ-
5 ment Authorization Act of 2004 (28 U.S.C. 534 note) is
6 amended—

10 (2) in subsection (d)(1)—

11 (A) in subparagraph (A), by inserting “, or
12 to an entity designated by the Attorney Gen-
13 eral” after “participating State”; and

14 (B) in subparagraph (B)—

15 (i) in clause (i), by striking "to the
16 State identification bureau of the partici-
17 pating State":

18 (ii) by inserting after clause (ii) the
19 following new clause:

1 to the head of the National Crime Infor-
2 mation Center of the Federal Bureau of
3 Investigation information concerning the
4 accuracy or completeness of such results.

5 The covered employee involved must pro-
6 vide such information within 30 days after
7 the employee receives such results.”.

8 (C) in subparagraph (C)—

9 (i) in the heading, by inserting “OR
10 AUTHORIZED EMPLOYER OR ENTITY” after
11 bureau;

12 (ii) in the text following the heading,
13 by striking “submitted through the State
14 identification bureau of a participating
15 State, the Attorney General shall” and in-
16 serting “the Attorney General or an entity
17 designated by the Attorney General shall”;
18 and

19 (iii) in clause (ii), by inserting “or, if
20 submitted through an entity designated by
21 the Attorney General, to the employer or
22 entity,” before “requesting the informa-
23 tion”;

24 (D) in subparagraph (D)—

1 (i) in clause (i), by striking “the infor-
2 mation shall be used only as provided in
3 clause (ii)” and inserting “or by an au-
4 thorized employer or entity, the informa-
5 tion shall be used only as provided in this
6 Act”; and

7 (ii) by amending clause (ii) to read as
8 follows:

1 during the previous 10 years or for
2 which the employee completed serving
3 a prison sentence within the previous
4 5 years:

1 “(hh) Recklessly endan-
2 gering another person.

3 “(ii) Making any threat of
4 terror.

5 “(jj) Any crime of violence
6 against another individual, in-
7 cluding assault or battery, or any
8 crime of violence against the
9 property of an individual.

10 “(kk) Attempting or con-
11 spiring to commit any of the of-
12 fenses described in subclauses (I)
13 through (X).

14 “(ll) Any other offense rel-
15 evant to the ability of the covered
16 employee to provide reliable secu-
17 rity services, as specified by the
18 Attorney General by regulation;

19 “(II) a participating State that
20 has State standards for qualification
21 to be a private security officer, the
22 State shall use the information re-
23 ceived pursuant to this Act in apply-
24 ing the State standards and shall only
25 notify the employer of the results of

1 the application of the State standards;

2 or

1 “(kk) Attempting or con-
2 spiring to commit any of the of-
3 fenses described in subclauses (I)
4 through (X).

5 “(ll) Any other offense rel-
6 evant to the ability of the covered
7 employee to provide reliable secu-
8 rity services, as specified by the
9 Attorney General by regulation.”;

10 (E) by redesignating subparagraph (E) as
11 subparagraph (F), and by inserting after sub-
12 paragraph (D) the following new subparagraph:

13 “(E) NOTIFICATIONS.—With regard to
14 records that are incomplete, notifications under
15 subparagraph (D)(ii)(ll) shall also provide no-
16 tice of any state(s) in which such records may
17 be completed or verified.”; and

18 (F) by adding at the end the following new
19 subparagraph:

20 “(G) RECORDS MANAGEMENT.—

21 “(i) IN GENERAL.—An authorized em-
22 ployer receiving any results from a crimi-
23 nal history records check carried out under
24 subsection (c)(1), with respect to a covered

1 employee, shall ensure each of the fol-
2 lowing:

3 “(I) Such results are maintained
4 confidentially.

5 “(II) Such results are not mis-
6 used or disseminated to any person
7 not involved in the employment deci-
8 sion with respect to the covered em-
9 ployee.

10 “(III) Subject to paragraph (2),
11 such results are destroyed within one
12 year after the latter of the following
13 dates, with respect to such results:

14 “(aa) The first of the fol-
15 lowing dates:

16 “(AA) The date of the
17 decision whether to employ
18 or continue to employ the
19 covered employee.

20 “(BB) The date that is
21 one year after the date on
22 which the authorized em-
23 ployer received the results.

24 “(bb) The date that is one
25 year after the final disposition of

1 a claim or proceeding relating to
2 the employment of the covered
3 employee.

12 (3) in subsection (d)(2)—

13 (A) by striking “and” at the end of sub-
14 paragraph (B);

15 (B) by redesignating subparagraph (C) as
16 subparagraph (E); and

17 (C) by inserting after subparagraph (B)
18 the following new subparagraphs:

19 “(C) standards for the scope of access and
20 the methods and time frames for providing ac-
21 cess and responses for these checks, including a
22 requirement that a participating state or the
23 FBI or designated entity is required to respond
24 to a submission by an authorized employer, en-
25 tity, or consumer reporting agency within three

1 business days of the submission of the finger-
2 prints supporting the request for the criminal
3 history record check;

4 “(D) a process for providing access for em-
5 ployers and entities to FBI-maintained criminal
6 history records when access is unavailable
7 through the state level because the state has
8 not opted to provide such access or does not
9 meet the standards set forth by the Attorney
10 General; and”;

11 (4) by redesignating paragraphs (4) and (5) of
12 subsection (d) as paragraphs (6) and (7), respec-
13 tively, of such subsection; and

14 (5) by inserting after paragraph (3) of sub-
15 section (d) the following new paragraphs:

16 “(4) NO LIABILITY FOR GOOD FAITH DETER-
17 MINATIONS.—No authorized employer shall be liable
18 for any determination made by such employer in
19 good faith that an offense identified from a criminal
20 history records check conducted under subsection (c)
21 for such employer on a covered employee is within
22 the scope of offenses described in paragraph
23 (2)(D)(ii) for purposes of such employer making an
24 employment decision with respect to such employee.

1 “(5) RULE OF CONSTRUCTION.—Nothing in
2 paragraph (1) shall be construed as preventing an
3 authorized employer from making an employment
4 decision, with respect to a covered employee, based
5 on any lawful reason not described in such sub-
6 section, including the reason that the results of a
7 criminal history records check conducted under sub-
8 section (c)(1) (or any other information made avail-
9 able to the employer) on such employee indicate that
10 the employment of the employee would violate any
11 applicable State law.”.

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