

114TH CONGRESS
2D SESSION

S. 2625

To protect our servicemembers' children from convicted pedophiles and other felons infiltrating the classroom.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2016

Mr. TOOMEY introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To protect our servicemembers' children from convicted pedophiles and other felons infiltrating the classroom.

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 “Protecting Our
5 Servicemembers’ Children from Sexual and Violent Preda-
6 tors Act”.

7 **SEC. 2. BACKGROUND CHECKS.**

8 (a) BACKGROUND CHECKS.—Not later than 2 years
9 after the date of enactment of this Act, each covered local
10 educational agency and each Department of Defense do-

1 mestic dependent elementary and secondary school estab-
2 lished pursuant to section 2164 of title 10, United States
3 Code, shall have in effect policies and procedures that—

4 (1) require that a criminal background check be
5 conducted for each school employee of the agency or
6 school, respectively, that includes—

7 (A) a search of the State criminal registry
8 or repository of the State in which the school
9 employee resides;

10 (B) a search of State-based child abuse
11 and neglect registries and databases of the
12 State in which the school employee resides;

13 (C) a Federal Bureau of Investigation fin-
14 gerprint check using the Integrated Automated
15 Fingerprint Identification System; and

16 (D) a search of the National Sex Offender
17 Registry established under section 119 of the
18 Adam Walsh Child Protection and Safety Act of
19 2006 (42 U.S.C. 16919);

20 (2) prohibit the employment of a school em-
21 ployee as a school employee at the agency or school,
22 respectively, if such employee—

23 (A) refuses to consent to a criminal back-
24 ground check under paragraph (1);

1 (B) makes a false statement in connection
2 with such criminal background check;

3 (C) has been convicted of a felony con-
4 sisting of—

5 (i) murder;

6 (ii) child abuse or neglect;

7 (iii) a crime against children, includ-
8 ing child pornography;

9 (iv) spousal abuse;

10 (v) a crime involving rape or sexual
11 assault;

12 (vi) kidnapping;

13 (vii) arson; or

14 (viii) physical assault, battery, or a
15 drug-related offense, committed on or after
16 the date that is 5 years before the date of
17 such employee's criminal background check
18 under paragraph (1); or

19 (D) has been convicted of any other crime
20 that is a violent or sexual crime against a
21 minor;

22 (3) require that each criminal background
23 check conducted under paragraph (1) be periodically
24 repeated or updated in accordance with policies es-
25 tablished by the covered local educational agency or

1 the Department of Defense (in the case of a Depart-
2 ment of Defense domestic dependent elementary and
3 secondary school established pursuant to section
4 2164 of title 10, United States Code);

5 (4) upon request, provide each school employee
6 who has had a criminal background check under
7 paragraph (1) with a copy of the results of the
8 criminal background check;

9 (5) provide for a timely process, by which a
10 school employee of the school or agency may appeal,
11 but which does not permit the employee to be em-
12 ployed as a school employee during such appeal, the
13 results of a criminal background check conducted
14 under paragraph (1) which prohibit the employee
15 from being employed as a school employee under
16 paragraph (2) to—

17 (A) challenge the accuracy or completeness
18 of the information produced by such criminal
19 background check; and

20 (B) establish or reestablish eligibility to be
21 hired or reinstated as a school employee by
22 demonstrating that the information is materi-
23 ally inaccurate or incomplete, and has been cor-
24 rected; and

1 (6) allow the covered local educational agency
2 or school, as the case may be, to share the results
3 of a school employee’s criminal background check re-
4 cently conducted under paragraph (1) with another
5 local educational agency that is considering such
6 school employee for employment as a school em-
7 ployee.

8 (b) FEES FOR BACKGROUND CHECKS.—The Attor-
9 ney General, attorney general of a State, or other State
10 law enforcement official may charge reasonable fees for
11 conducting a criminal background check under subsection
12 (a)(1), but such fees shall not exceed the actual costs for
13 the processing and administration of the criminal back-
14 ground check.

15 (c) DEFINITIONS.—In this Act:

16 (1) COVERED LOCAL EDUCATIONAL AGENCY.—
17 The term “covered local educational agency” means
18 a local educational agency that receives funds—

19 (A) under subsection (b) or (d) of section
20 8003, or section 8007, of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C.
22 7703, 7707), as such sections are in effect be-
23 fore the effective date for title VII of the Every
24 Student Succeeds Act (Public Law 114–95); or

1 (B) under subsection (b) or (d) of section
2 7003, or section 7007, of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C.
4 7703, 7707), beginning on the effective date of
5 such title VII.

6 (2) SCHOOL EMPLOYEE.—The term “school em-
7 ployee” means—

8 (A) a person who—

9 (i) is an employee of, or is seeking
10 employment with—

11 (I) a covered local educational
12 agency; or

13 (II) a Department of Defense do-
14 mestic dependent elementary and sec-
15 ondary school established pursuant to
16 section 2164 of title 10, United States
17 Code, such elementary and secondary
18 school; and

19 (ii) as a result of such employment,
20 has (or will have) a job duty that results
21 in unsupervised access to elementary
22 school or secondary school students; or

23 (B)(i) any person, or an employee of any
24 person, who has a contract or agreement to
25 provide services to a covered local educational

1 agency or a Department of Defense domestic
2 dependent elementary and secondary school es-
3 tablished pursuant to section 2164 of title 10,
4 United States Code; and

5 (ii) such person or employee, as a result of
6 such contract or agreement, has a job duty that
7 results in unsupervised access to elementary
8 school or secondary school students.

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