

CODIFICATION

Section was formerly classified to section 16945 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART C—ACCESS TO INFORMATION AND RESOURCES NEEDED TO ENSURE THAT CHILDREN ARE NOT ATTACKED OR ABUSED

§ 20961. Access to national crime information databases

(a) In general

Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28) by—

- (1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and
- (2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) Conditions of access

The access provided under this section, and associated rules of dissemination, shall be—

- (1) defined by the Attorney General; and
- (2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

(Pub. L. 109-248, title I, §151, July 27, 2006, 120 Stat. 608.)

Editorial Notes

CODIFICATION

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§ 20962. Schools SAFE Act

(a) Short title

This section may be cited as the “Schools Safely Acquiring Faculty Excellence Act of 2006”.

(b) In general

The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28) pursuant to a request submitted by—

- (1) a child welfare agency for the purpose of—
 - (A) conducting a background check required under section 471(a)(20) of the Social Security Act [42 U.S.C. 671(a)(20)] on individuals under consideration as prospective foster or adoptive parents; or
 - (B) an investigation relating to an incident of abuse or neglect of a minor; or
- (2) a private or public elementary school, a private or public secondary school, a local

educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) Fingerprint-based check

Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) Fees

The Attorney General and the States may charge any applicable fees for the checks.

(e) Protection of information

An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) Criminal penalties

An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, or both.

(g) Child welfare agency defined

In this section, the term “child welfare agency” means—

- (1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.]; and
- (2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(h) Definition of education terms

In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given to those terms in section 7801 of title 20.

(Pub. L. 109-248, title I, §153, July 27, 2006, 120 Stat. 610; Pub. L. 114-95, title IX, §9215(b), Dec. 10, 2015, 129 Stat. 2166.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (g), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Parts B and E of title IV of the Act are classified generally to part B (§620 et seq.) and part E (§670 et seq.), respectively, of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section is comprised of section 153 of Pub. L. 109-248. Subsec. (1) of section 153 of Pub. L. 109-248 amended section 534 of Title 28, Judiciary and Judicial Procedure.

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