

SEARCH Resolution 10-56

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

January 12, 2010

Separate Security Background Checks for Transportation Security Cards (H. Amdt. 169 to H.R. 2200 / H. Amdt. 464 to H.R. 3619)

WHEREAS, SEARCH, the National Consortium for Justice Information and Statistics, is governed by a Membership Group comprised of one gubernatorial appointee from each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, as well as eight at-large appointees selected by SEARCH's Chair;

WHEREAS, the SEARCH Members are state justice officials responsible for operational decisions and policymaking concerning the management of criminal justice information, particularly criminal history information;

WHEREAS, SEARCH has a long history of leadership on criminal history record information policy, including non-criminal justice background checks;

WHEREAS, the U.S. Department of Justice has concluded that the Federal Bureau of Investigation (FBI) criminal history record repository is missing final disposition information for approximately 50 percent of its records;

WHEREAS, state-maintained databases contain arrest information and dispositions of arrest charges that may not be included in the FBI's files;

WHEREAS, the House has passed two bills in the 111th Congress that would preempt state authorized criminal history background checks (H.R. 2200 / H.R. 3619) for individuals requiring unescorted access into ports if these individuals have been issued a Transportation Worker Identification Card (TWIC):

WHEREAS, the criminal history background check performed prior to issuing a TWIC relies on an FBI criminal history record repository check and does not include checking directly with the states;

WHEREAS, each state has state specific needs, vulnerabilities and values associated with the qualifications for obtaining unescorted access into sensitive facilities located in their state;

WHEREAS, the qualification criteria for a TWIC could permit individuals convicted of manslaughter, carjacking and burglary, and other crimes, to obtain a TWIC;

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WHEREAS, many individuals can obtain a TWIC through a background check waiver as over 40 percent of waiver requests were granted in 2009, which may include individuals with convictions for drug offenses, firearms offenses, smuggling, arson, and even kidnapping;

NOW, THEREFORE, BE IT RESOLVED by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that:

‘Public safety and state sovereignty require that each state must retain the right to establish their own qualification standards and retain the right to authorize and conduct their own criminal history and other types of background checks for individuals seeking unescorted access to ports, other transportation venues and other sensitive venues located in their states, and these state authorized checks must not be preempted by federal statute or regulation, or by “one size fits all” programs, such as the Transportation Worker Identification Card (TWIC).’