

## SEARCH Resolution 11-59

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

July 21, 2011

### Preserving the States' Rights to Establish Background Check Standards

**WHEREAS**, the Tenth Amendment of the Constitution of the United States preserves to the states the power to take measures to protect the public safety, health, morals and general welfare of its citizens;

**WHEREAS**, existing federal credentialing processes are intended to protect homeland security interests (i.e., Transportation Worker Identification Credential, hazmat certification, and various security threat assessments);

**WHEREAS**, a security threat assessment seeking to identify an individual's risk to homeland security may not be sufficient to identify individuals who may pose a threat to public safety;

**WHEREAS**, state repository-held criminal history record information is generally more accurate and complete than criminal history record information maintained by the Federal Bureau of Investigation, which the Attorney General has acknowledged may be missing up to fifty percent of dispositions; and

**WHEREAS**, each state has the right to establish its own standards for protecting public safety, based upon specific needs, vulnerabilities and values;

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

"Congress should not enact legislation that preempts states' rights to authorize by law criminal history background checks for the protection of its citizens. As a matter of constitutional law, tradition, and appropriate public policy, all states retain the right to establish laws, regulations, and policies to promote public safety within their borders."