

SEARCH Resolution 12-60

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

July 18, 2012

92-544 Amendments

WHEREAS, criminal history record background checks play an important role in employment screening, licensing, and other noncriminal justice decisions;

WHEREAS, public safety has benefited from the longstanding authorization in Public Law 92-544 (86 Stat.1115) for the conduct of national criminal history record background checks for employment and licensing purposes when authorized by appropriate state law;

WHEREAS, in the 40 years since Public Law 92-544 authorized the conduct of national criminal history record background checks, there have been significant technological advances affecting the accessibility of criminal history record information;

WHEREAS, the process for conducting fingerprint-based national criminal history record background checks under Public Law 92-544 can be improved to reduce administrative burdens on the FBI and provide the States with greater flexibility to authorize the conduct of non-criminal justice national criminal history record background checks; and

WHEREAS, Congress, through enactment of the Compact Council legislation and otherwise has recognized the importance of permitting each state to effectuate its own dissemination policy for criminal history record information for non-criminal justice purposes within its own borders.

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

“Congress should amend Public Law 92-544 to expressly permit state legislatures to enact legislation to authorize the conduct of national criminal history record background checks for employment, licensing and other non-criminal justice purposes, and including providing for criminal history background checks in which the information is provided directly to the employer or other non-criminal justice user, without requiring approval from the Attorney General; and Resolved Further:

That the 92-544 Amendments recognize that the Compact Council established by the National Crime Prevention and Privacy Compact is the appropriate entity, from both a policy and a legal standpoint, to establish procedures and safeguards, including privacy and security safeguards, to facilitate the disclosure of national criminal history record background check results directly to persons outside of receiving states, departments, and agencies, in the event that a state legislature determines that such disclosures are appropriate.”