

S 2756

Child Protection Improvements Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Mar 13, 2008

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 904.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 904. (Jul 28, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/2756>

Sponsor

Name: Sen. Biden, Joseph R., Jr. [D-DE]

Party: Democratic • State: DE • Chamber: Senate

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hatch, Orrin G. [R-UT]	R · UT		Mar 13, 2008
Sen. Specter, Arlen [R-PA]	R · PA		Mar 13, 2008
Sen. Johnson, Tim [D-SD]	D · SD		Apr 10, 2008
Sen. Isakson, Johnny [R-GA]	R · GA		Apr 15, 2008
Sen. McCaskill, Claire [D-MO]	D · MO		Apr 15, 2008
Sen. Ensign, John [R-NV]	R · NV		Apr 22, 2008
Sen. Dole, Elizabeth [R-NC]	R · NC		May 7, 2008
Sen. Feinstein, Dianne [D-CA]	D · CA		May 7, 2008
Sen. Coleman, Norm [R-MN]	R · MN		May 8, 2008
Sen. Bayh, Evan [D-IN]	D · IN		Nov 20, 2008

Committee Activity

Committee	Chamber	Activity	Date
Health, Education, Labor, and Pensions Committee	Senate	Discharged From	Apr 1, 2008
Judiciary Committee	Senate	Reported By	Jul 28, 2008

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
110 HR 6995	Related bill	Sep 22, 2008: Referred to the House Committee on the Judiciary.
110 HR 5606	Identical bill	Apr 14, 2008: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Child Protection Improvements Act of 2008 - (Sec. 3) Amends the National Child Protection Act of 1993 to direct the Attorney General to establish a program for national criminal history background checks for child-serving organizations.

Requires the Attorney General to: (1) establish within the federal government or through an agreement with a nongovernmental entity an applicant processing center; (2) enter into an agreement for the National Center for Missing and Exploited Children to establish a criminal history resource center; and (3) assess annually whether each state authorized agency operates a qualified state program meeting specified requirements, as well as, upon request, state authorized agencies that do not have qualified programs, or those that have qualified programs failing to meet standards.

Requires the applicant processing center to: (1) streamline the process of obtaining nationwide background checks; (2) provide effective customer service; and (3) facilitate widespread access to nationwide background checks by participating entities. Authorizes the center to collect fees for its work according to a specified schedule.

Requires the criminal history resource center to provide participating entities with reliable and accurate information regarding the interpretation of criminal histories.

Requires the applicant processing center to complete criminal background checks within 10 business days after receiving a request.

Grants the subject of a nationwide background check (covered individual) the right to contact the Federal Bureau of Investigation (FBI) and, if appropriate, a state authorized agency to: (1) receive a full criminal history report within 10 days of requesting it; and (2) challenge the report's accuracy and completeness.

Authorizes appropriations to the Attorney General for: (1) FY2008 to establish the applicant processing center and the criminal history resource center; and (2) FY2009-FY2013 for the agreement with the National Center for Missing and Exploited Children to support the criminal history resource center.

Declares the sense of the Senate that in FY2009 and following fiscal years the fees collected by the applicant processing center should be sufficient to carry out the center's duties.

Declares that no participating entity shall be liable in an action for damages solely for failure to: (1) conduct a criminal background check on a covered individual; or (2) take action adverse to a covered individual upon receiving any notice of criminal history from the applicant processing center.

Declares that neither the applicant processing center nor a participating entity reasonably relying on criminal history record information received in response to a background check shall be liable in an action for damages based on the inaccuracy or incompleteness of that information.

Relieves the National Center for Missing and Exploited Children and any of its directors, officers, employees, or agents of any liability in an action for damages relating to performance of the Center's responsibilities and functions, except in a case of intentional, reckless, or other misconduct.

Prohibits unauthorized disclosure or use of criminal history records.

Requires the applicant processing center to destroy any fingerprints or criminal history record received under this Act after any transaction based on the fingerprints or criminal history record is completed. Prohibits the center from

maintaining the fingerprints, the criminal history records, or the information in the criminal history record in any form.

(Sec. 4) Amends the PROTECT Act to terminate the Child Safety Pilot Program on the date that the program for national criminal history background checks for child-serving organizations established under this Act is operating and able to enroll any organization using the Child Safety Pilot Program.

### **Actions Timeline**

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- **Jul 28, 2008:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jul 28, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 904.
- **May 22, 2008:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 1, 2008:** Senate Committee on Health, Education, Labor, and Pensions discharged by Unanimous Consent.
- **Apr 1, 2008:** Referred to the Committee on the Judiciary.
- **Mar 13, 2008:** Introduced in Senate
- **Mar 13, 2008:** Sponsor introductory remarks on measure. (CR 3/14/2008 S2139-2140)
- **Mar 13, 2008:** Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (text of measure as introduced: CR 3/14/2008 S2140-2142)