

S 645

Child Protection Improvements Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Mar 17, 2011

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 512.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 512. (Sep 19, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/645>

Sponsor

Name: Sen. Schumer, Charles E. [D-NY]

Party: Democratic • **State:** NY • **Chamber:** Senate

Cosponsors (12 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brown, Sherrod [D-OH]	D · OH		Mar 17, 2011
Sen. Ensign, John [R-NV]	R · NV		Mar 17, 2011
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Mar 17, 2011
Sen. Hatch, Orrin G. [R-UT]	R · UT		Mar 17, 2011
Sen. Johanns, Mike [R-NE]	R · NE		Mar 17, 2011
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 17, 2011
Sen. Franken, Al [D-MN]	D · MN		Dec 13, 2011
Sen. Blunt, Roy [R-MO]	R · MO		Feb 15, 2012
Sen. Feinstein, Dianne [D-CA]	D · CA		Aug 1, 2012
Sen. Blumenthal, Richard [D-CT]	D · CT		Aug 2, 2012
Sen. Klobuchar, Amy [D-MN]	D · MN		Sep 10, 2012
Sen. Coons, Christopher A. [D-DE]	D · DE		Sep 11, 2012

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Sep 19, 2012

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
112 HR 1360	Related bill	Jul 11, 2011: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Child Protection Improvements Act of 2012 - (Sec. 3) Amends the National Child Protection Act of 1993 to direct the Attorney General to: (1) establish policies and procedures to streamline the process of obtaining nationwide background checks, provide effective customer service, and facilitate widespread access to nationwide background checks by a covered entity; and (2) establish a criminal history review program to provide covered entities with reliable and accurate information on the criminal history of a covered individual.

Defines: (1) a "covered entity" as a public or private business or organization that provides care, care placement, supervision, treatment, education, training, instruction, or recreation to children or that licenses, certifies, or coordinates such entities in providing care and other services to children; and (2) a "covered individual" as an individual who has, seeks to have, or may have, unsupervised access to a child served by a covered entity and who is employed by or volunteers with, or seeks to be employed by or volunteer with, a covered entity or who owns or operates, or seeks to own or operate, a covered entity.

Requires the Attorney General, in carrying out nationwide background checks, to: (1) handle inquiries from covered entities and inform such entities on how to request nationwide background checks, (2) provide covered entities with access to nationwide background checks, (3) receive paper and electronic requests for nationwide background checks, (4) convert all paper fingerprint cards into an electronic form and securely transmit all fingerprints electronically to the national criminal history background check system, (5) collect a fee to conduct a nationwide background check, and (6) coordinate with the Federal Bureau of Investigation (FBI) to ensure that background check requests are being completed within the required time period. Sets forth the information required for a nationwide background check request by a covered entity and requirements for conducting the criminal history review program.

Grants a covered individual the right to challenge the accuracy or completeness of any information in the criminal history record.

Establishes the National Criminal History Background Check Fund to hold fees collected by the Attorney General to offset the cost of background checks required by this Act.

Requires the Attorney General to make annual reports on the programs and procedures established under this Act.

Requires the Attorney General to compile and report annually on data on: (1) the number and types of covered entities; (2) the fees charged to such entities; (3) the interval between nationwide background check submissions and responses; (4) the number, type, and frequency of offenses and the period between the date of the offense and the date of the nationwide background check for any covered individuals found to have a criminal history; (5) the procedures available for covered individuals to challenge the accuracy and completeness of criminal history records; (6) the number and results of such challenges; (7) the number and types of corrections of erroneous criminal history records based on a challenge; (8) the number and types of inquiries for assistance on interpreting a criminal history received by the criminal history review program; and (9) the number of covered individuals denied employment based on the criminal history information provided by the Attorney General or the criminal history review designee.

Limits the liability of: (1) a covered entity for failure to conduct criminal background checks or to take adverse action against a covered individual with a criminal history; and (2) officials and employees performing responsibilities under the criminal history review program, except for intentional misconduct, malice, or reckless disregard of a risk of substantial injury. Imposes limitations on the disclosure or use of criminal history records.

(Sec. 4) Directs the Attorney General to establish a method to permit employers in the electronic life safety and security systems installation and monitoring industry to request a fitness determination for employees and prospective employees based upon federal and state fingerprint-based background checks. Requires such fitness determination to be based on whether such employee has been convicted of or imprisoned for a felony during the previous 10 years. Defines "electronic life safety and security systems industry" as businesses that provide installation and central monitoring of fire and burglar alarm systems to public or private entities.

Requires the Attorney General to provide employees or prospective employees who have been convicted or or imprisoned for a felony during the 10-year period prior to a background check with records of their criminal histories and a detailed notification of their rights to challenge the accuracy or completeness of such records within 1 business day after the Attorney General receives such records from the FBI.

Imposes restrictions on the use or disclosure of criminal history information by entities or individuals authorized to receive or transmit fingerprints or criminal history records.

Actions Timeline

- **Sep 19, 2012:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Sep 19, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 512.
- **Sep 13, 2012:** Committee on the Judiciary. Ordered to be reported with amendments favorably.
- **Mar 17, 2011:** Introduced in Senate
- **Mar 17, 2011:** Read twice and referred to the Committee on the Judiciary.