

ities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

**(b) Conditions of access**

The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

(Pub. L. 109-248, title I, § 151, July 27, 2006, 120 Stat. 608.)

**§ 16962. Schools SAFE Act**

**(a) Short title**

This section may be cited as the “Schools Safely Acquiring Faculty Excellence Act of 2006”.

**(b) In general**

The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28) pursuant to a request submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act [42 U.S.C. 671(a)(20)] on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

**(c) Fingerprint-based check**

Where possible, the check shall include a fingerprint-based check of State criminal history databases.

**(d) Fees**

The Attorney General and the States may charge any applicable fees for the checks.

**(e) Protection of information**

An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

**(f) Criminal penalties**

An individual who knowingly exceeds the authority in subsection (b), or knowingly releases

information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, or both.

**(g) Child welfare agency defined**

In this section, the term “child welfare agency” means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act [42 U.S.C. 620 et seq., 670 et seq.]; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

**(h) Definition of education terms**

In this section, the terms “elementary school”, “local educational agency”, “secondary school”, and “State educational agency” have the meanings given to those terms in section 7801 of title 20.

(Pub. L. 109-248, title I, § 153, July 27, 2006, 120 Stat. 610.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (g), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Parts B and E of title IV of the Act are classified generally to part B (§620 et seq.) and part E (§670 et seq.), respectively, of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

CODIFICATION

Section is comprised of section 153 of Pub. L. 109-248. Subsec. (i) of section 153 of Pub. L. 109-248 amended section 534 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER II—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

**§ 16971. Jimmy Ryce State civil commitment programs for sexually dangerous persons**

**(a) Grants authorized**

Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

**(b) Limitation**

The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location where minors or other vulnerable persons are likely to come into contact with that person.

**(c) Eligibility**

**(1) In general**

To be eligible to receive a grant under this section, a jurisdiction shall, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

**(2) Compliance period**

The compliance period referred to in paragraph (1) expires on the date that is 2 years after July 27, 2006. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

**(3) Release notice**

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who—

- (i) has been convicted of a sexually violent offense; or
- (ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

**(d) Attorney General reports**

Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

**(e) Definitions**

As used in this section:

(1) The term “civil commitment program” means a program that involves—

- (A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and
- (B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term “sexually dangerous person” means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

(3) The term “jurisdiction” has the meaning given such term in section 16911 of this title.

**(f) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2007 through 2010.

(Pub. L. 109-248, title III, §301, July 27, 2006, 120 Stat. 617.)

SUBCHAPTER III—GRANTS AND OTHER PROVISIONS

**§ 16981. Pilot program for monitoring sexual offenders**

**(a) Sex offender monitoring program**

**(1) Grants authorized**

**(A) In general**

The Attorney General is authorized to award grants (referred to as “Jessica Lunsford and Sarah Lunde Grants”) to States, local governments, and Indian tribal governments to assist in—

- (i) carrying out programs to outfit sex offenders with electronic monitoring units; and
- (ii) the employment of law enforcement officials necessary to carry out such programs.

**(B) Duration**

The Attorney General shall award grants under this section for a period not to exceed 3 years.

**(C) Minimum standards**

The electronic monitoring units used in the pilot program shall at a minimum—

- (i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and
- (ii) permit continuous monitoring of offenders 24 hours a day.

**(2) Application**

**(A) In general**

Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

**(B) Contents**

Each application submitted pursuant to subparagraph (A) shall—

- (i) describe the activities for which assistance under this section is sought; and
- (ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

**(b) Innovation**

In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

**(c) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

**(2) Report**

Not later than September 1, 2010, the Attorney General shall report to Congress—

- (A) assessing the effectiveness and value of this section;