

2003—Subsec. (a). Pub. L. 108-36, §304(a)(1), added subsec. (a) and struck out former subsec. (a) which authorized appropriations, with certain limitations, for fiscal years 1997 to 2001.

Subsec. (b). Pub. L. 108-36, §304(a)(2), (4), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text read as follows: "For the purpose of carrying out section 5117aa-12(b) of this title, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1992 through 1995."

Subsec. (c). Pub. L. 108-36, §304(a)(4), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 108-36, §304(a)(3), inserted par. headings and substituted "this subchapter" for "this part" in par. (1) and "fiscal year 2003." for "fiscal year 1991." in par. (2).

Subsec. (d). Pub. L. 108-36, §304(a)(4), redesignated subsec. (d) as (c).

1996—Subsec. (a)(1). Pub. L. 104-235 substituted "\$35,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2001." for "\$20,000,000 for fiscal year 1992, \$25,000,000 for fiscal year 1993, \$30,000,000 for fiscal year 1994, and \$35,000,000 for fiscal year 1995."

1991—Pub. L. 102-236 substituted provisions relating to appropriations to carry out this part for fiscal years 1992 to 1995, with certain limitations, for provisions relating to appropriations to make grants under section 5117aa-11 of this title for fiscal years 1989 to 1991.

#### SUBCHAPTER V—CERTAIN PREVENTIVE SERVICES REGARDING CHILDREN OF HOMELESS FAMILIES OR FAMILIES AT RISK OF HOMELESSNESS

#### §§ 5118 to 5118e. Repealed. Pub. L. 104-235, title I, § 131, Oct. 3, 1996, 110 Stat. 3088

Section 5118, Pub. L. 93-247, title III, §301, as added Pub. L. 101-645, title VI, §661(b), Nov. 29, 1990, 104 Stat. 4755, related to demonstration grants for prevention of inappropriate separation from family and for prevention of child abuse and neglect.

Section 5118a, Pub. L. 93-247, title III, §302, as added Pub. L. 101-645, title VI, §661(b), Nov. 29, 1990, 104 Stat. 4757, related to joint training of appropriate service personnel with respect to certain subjects and additional authorized activities for which a grantee may expend grant funds.

Section 5118b, Pub. L. 93-247, title III, §303, as added Pub. L. 101-645, title VI, §661(b), Nov. 29, 1990, 104 Stat. 4757, related to additional agreements required of agencies, evaluations of effectiveness of demonstration programs, report to Congress, and restriction on use of grant to purchase or improve real property.

Section 5118c, Pub. L. 93-247, title III, §304, as added Pub. L. 101-645, title VI, §661(b), Nov. 29, 1990, 104 Stat. 4759, related to required submission of description of intended uses of grant.

Section 5118d, Pub. L. 93-247, title III, §305, as added Pub. L. 101-645, title VI, §661(b), Nov. 29, 1990, 104 Stat. 4759, related to requirement of submission of application for grant.

Section 5118e, Pub. L. 93-247, title III, §306, as added Pub. L. 101-645, title VI, §661(b), Nov. 29, 1990, 104 Stat. 4760; amended Pub. L. 102-295, title I, §131, May 28, 1992, 106 Stat. 199, related to authorization of appropriations for carrying out this subchapter.

#### SUBCHAPTER VI—CHILD ABUSE CRIME INFORMATION AND BACKGROUND CHECKS

#### § 5119. Reporting child abuse crime information

##### (a) In general

In each State, an authorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history background check system. A criminal justice

agency may satisfy the requirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.

##### (b) Provision of State child abuse crime records through national criminal history background check system

(1) Not later than 180 days after December 20, 1993, the Attorney General shall, subject to availability of appropriations—

(A) investigate the criminal history records system of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line basis through the national criminal history background check system;

(B) in consultation with State officials, establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of criminal history records and other procedures for carrying out this subchapter; and

(C) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(2) The Attorney General shall require as a part of each State timetable that the State—

(A) by not later than the date that is 5 years after December 20, 1993, have in a computerized criminal history file at least 80 percent of the final dispositions that have been rendered in all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain a reporting rate of at least 80 percent for final dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve 100 percent disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

##### (c) Liaison

An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

##### (d) Annual summary

(1) The Attorney General shall publish an annual statistical summary of child abuse crimes.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

##### (e) Annual report

The Attorney General shall, subject to the availability of appropriations, publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal history background check system.

##### (f) Study of child abuse offenders

(1) Not later than 180 days after December 20, 1993, the Administrator of the Office of Juvenile

Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State; and

(C) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 2 years after December 20, 1993, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

(Pub. L. 103-209, § 2, Dec. 20, 1993, 107 Stat. 2490; Pub. L. 103-322, title XXXII, § 320928(b), (h), (i), Sept. 13, 1994, 108 Stat. 2132, 2133.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(1)(B), was in the original “this Act”, meaning Pub. L. 103-209, Dec. 20, 1993, 107 Stat. 2490, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 5101 of this title and Tables.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 320928(b), inserted at end “A criminal justice agency may satisfy the requirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.”

Subsec. (b)(2)(A). Pub. L. 103-322, § 320928(i), substituted “5 years after” for “3 years after”.

Subsec. (f)(2). Pub. L. 103-322, § 320928(h), substituted “2 years” for “1 year”.

#### SHORT TITLE

For short title of this subchapter as the “National Child Protection Act of 1993”, see section 1 of Pub. L. 103-209, set out as a note under section 5101 of this title.

#### GUIDELINES FOR ADOPTION OF SAFEGUARDS BY CARE PROVIDERS AND STATES FOR PROTECTING CHILDREN, THE ELDERLY, OR INDIVIDUALS WITH DISABILITIES FROM ABUSE

Pub. L. 103-322, title XXXII, § 320928(g), Sept. 13, 1994, 108 Stat. 2132, provided that:

“(1) **IN GENERAL.**—The Attorney General, in consultation with Federal, State, and local officials, including officials responsible for criminal history record systems, and representatives of public and private care organizations and health, legal, and social welfare organizations, shall develop guidelines for the adoption of appropriate safeguards by care providers and by States for protecting children, the elderly, or individuals with disabilities from abuse.

“(2) **MATTERS TO BE ADDRESSED.**—In developing guidelines under paragraph (1), the Attorney General shall address the availability, cost, timeliness, and effectiveness of criminal history background checks and recommend measures to ensure that fees for background checks do not discourage volunteers from participating in care programs.

“(3) **DISSEMINATION.**—The Attorney General shall, subject to the availability of appropriations, disseminate the guidelines to State and local officials and to public and private care providers.”

nate the guidelines to State and local officials and to public and private care providers.”

#### § 5119a. Background checks

##### (a) In general

(1) A State may have in effect procedures (established by State statute or regulation) that require qualified entities designated by the State to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider has been convicted of a crime that bears upon the provider’s fitness to have responsibility for the safety and well-being of children, the elderly, or individuals with disabilities.

(2) The authorized agency shall access and review State and Federal criminal history records through the national criminal history background check system and shall make reasonable efforts to respond to the inquiry within 15 business days.

(3) In the absence of State procedures referred to in paragraph (1), a qualified entity designated under paragraph (1) may contact an authorized agency of the State to request national criminal fingerprint background checks. Qualified entities requesting background checks under this paragraph shall comply with the guidelines set forth in subsection (b) of this section and with procedures for requesting national criminal fingerprint background checks, if any, established by the State.

##### (b) Guidelines

The procedures established under subsection (a) of this section shall require—

(1) that no qualified entity may request a background check of a provider under subsection (a) of this section unless the provider first provides a set of fingerprints and completes and signs a statement that—

(A) contains the name, address, and date of birth appearing on a valid identification document (as defined in section 1028 of title 18) of the provider;

(B) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(C) notifies the provider that the entity may request a background check under subsection (a) of this section;

(D) notifies the provider of the provider’s rights under paragraph (2); and

(E) notifies the provider that prior to the completion of the background check the qualified entity may choose to deny the provider unsupervised access to a person to whom the qualified entity provides care;

(2) that each provider who is the subject of a background check is entitled—

(A) to obtain a copy of any background check report; and

(B) to challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency;