

for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) Regulations

Not later than 180 days after December 17, 2004, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) Criminal penalties for use of information

Whoever knowingly and intentionally uses any information obtained pursuant to this section other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, or imprisoned for not more than 2 years, or both.

(4) User fees

(A) In general

The Director of the Federal Bureau of Investigation may—

(i) collect fees to process background checks provided for by this section; and

(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) Limitations

Any fee collected under this subsection—

(i) shall, consistent with Public Law 101-515 and Public Law 104-99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

(ii) shall be available for expenditure only to pay the costs of such activities and services; and

(iii) shall remain available until expended.

(C) State costs

Nothing in this section shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this section.

(5) State opt out

A State may decline to participate in the background check system authorized by this section by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

(Pub. L. 108-458, title VI, § 6402, Dec. 17, 2004, 118 Stat. 3755.)

Editorial Notes

REFERENCES IN TEXT

Public Law 101-515, referred to in subsec. (d)(4)(B)(i), is Pub. L. 101-515, Nov. 5, 1990, 104 Stat. 2101. For complete classification of this Act to the Code, see Tables.

Public Law 104-99, referred to in subsec. (d)(4)(B)(i), is Pub. L. 104-99, Jan. 26, 1996, 110 Stat. 26. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

§ 41107. Access to the national crime information databases by tribes

(1) In general

The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) Sanctions

For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC

Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

(Pub. L. 111-211, title II, § 233(b), July 29, 2010, 124 Stat. 2279.)

Editorial Notes

CODIFICATION

Section was formerly classified as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

Section is comprised of subsec. (b) of section 233 of Pub. L. 111-211. Subsec. (a) of section 233 amended section 534 of Title 28, Judiciary and Judicial Procedure.

DEFINITIONS

For definitions of “Indian tribe” and “Indian country” used in this section, see section 203(a) of Pub. L. 111-211, set out as a note under section 2801 of Title 25, Indians.

CHAPTER 413—CRIME REPORTS AND STATISTICS

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41301.	Report to Congress on sexual exploitation of children.
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