

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

Sec.	
41301.	Report to Congress on sexual exploitation of children.
41302.	Acquisition of statistical data on child abuse.
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41304.	Family and domestic violence: data collection and reporting.
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41310. Report on theft of trade secrets occurring abroad.
41311. Improving Department of Justice data collection on mental illness involved in crime.
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§ 41301. Report to Congress on sexual exploitation of children

Beginning one hundred and twenty days after May 21, 1984, and every year thereafter, the Attorney General shall report to the Congress on prosecutions, convictions, and forfeitures under chapter 110 of title 18.

(Pub. L. 98–292, § 9, May 21, 1984, 98 Stat. 206.)

Editorial Notes

CODIFICATION

Section was formerly classified as a note under section 522 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification and renumbering as this section.

§ 41302. Acquisition of statistical data on child abuse

(a) Data acquisition for 1987 and 1988

The Attorney General shall acquire from criminal justice agencies statistical data, for the calendar years 1987 and 1988, about the incidence of child abuse, including child sexual abuse, and shall publish annually a summary of such data.

(b) Modification of uniform crime reporting program

(1) As soon as practicable, but in no case later than January 1, 1989, the Attorney General shall modify the uniform crime reporting program in the Federal Bureau of Investigation to include data on the age of the victim of the offense and the relationship, if any, of the victim to the offender, for types of offenses that may involve child abuse, including child sexual abuse.

(2) The modification, once made, shall remain in effect until the later of—

(A) 10 years after the date it is made; or

(B) such ending date as may be set by the Attorney General.

(Pub. L. 99–401, title I, §105, Aug. 27, 1986, 100 Stat. 906.)

Editorial Notes

CODIFICATION

Section was formerly classified as a note under section 5101 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 41303. Uniform Federal Crime Reporting Act of 1988

(a) Short title

This section may be cited as the “Uniform Federal Crime Reporting Act of 1988”.

(b) Definitions

For purposes of this section, the term “Uniform Crime Reports” means the reports authorized under section 534 of title 28 and administered by the Federal Bureau of Investigation

which compiles nationwide criminal statistics for use in law enforcement administration, operation, and management and to assess the nature and type of crime in the United States.

(c) Establishment of system

(1) In general

The Attorney General shall acquire, collect, classify, and preserve national data on Federal criminal offenses as part of the Uniform Crime Reports.

(2) Reporting by Federal agencies

All departments and agencies within the Federal government (including the Department of Defense) which routinely investigate complaints of criminal activity, shall report details about crime within their respective jurisdiction to the Attorney General in a uniform manner and on a form prescribed by the Attorney General. The reporting required by this subsection shall be limited to the reporting of those crimes comprising the Uniform Crime Reports.

(3) Distribution of data

The Attorney General shall distribute data received pursuant to paragraph (2), not less frequently than annually, to the President, Members of the Congress, State governments, and officials of localities and penal and other institutions participating in the Uniform Crime Reports program.

(4) Interagency coordination

(A) In general

Not later than 90 days after December 21, 2018, the Director of the Federal Bureau of Investigation shall coordinate with the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) for the purpose of ensuring successful implementation of paragraph (2).

(B) For report

Not later than 6 months after December 21, 2018, the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) shall provide the Director of the Federal Bureau of Investigation such information as the Director determines is necessary to complete the first report required under paragraph (5).

(5) Annual report by Federal Bureau of Investigation

Not later than 1 year after December 21, 2018, and annually thereafter, the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the efforts of the departments and agencies within the Federal Government to come into compliance with paragraph (2). The report shall contain a list of all departments and agencies within the Federal Government subject to paragraph (2) and whether each department or agency is in compliance with paragraph (2).