

112TH CONGRESS
1ST SESSION

S. 1319

To direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 2011

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Electronic Life Safety
5 and Security Systems Federal Background Check Act of
6 2011”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The electronic life safety and security sys-
2 tems industry performs critical security installation
3 and protection for much of the infrastructure in the
4 United States and provides commercial buildings,
5 public agencies and residences with alarm and secu-
6 rity systems that are an important part of homeland
7 security and anti-crime and terrorist prevention.

8 (2) The electronic life safety and security sys-
9 tems industry includes central monitoring stations
10 and individual employer-owned companies and other
11 private sector businesses that install alarm and secu-
12 rity systems in infrastructure of the United States.

13 (3) Some States do not provide for any licens-
14 ing or regulation requirement that includes a State
15 or Federal background check on employers and em-
16 ployees of the companies involved in the electronic
17 life safety and security systems industry.

18 (4) Many employers and employees in the elec-
19 tronic life safety and security systems industry trav-
20 el across State lines to install systems and may or
21 may not be required to undergo Federal background
22 checks as a condition of employment and in some
23 cases there may be background check requirements
24 at the State level or duplicated background checks
25 at the county or city levels.

1 (5) Many employers and employees in the elec-
2 tronic life safety and security systems industry have
3 access to public and private structures and should
4 undergo a Federal background check in order to
5 protect lives and property.

6 **SEC. 3. DEFINITION.**

7 In this Act, the term “electronic life safety and secu-
8 rity systems industry” means businesses that provide in-
9 stallation and central monitoring of fire and burglar alarm
10 systems to public or private entities, including fire alarms,
11 burglar alarms, closed-circuit TV, biometric systems, ac-
12 cess control systems, personal emergency response sys-
13 tems, and other crime prevention systems.

14 **SEC. 4. ESTABLISHMENT OF BACKGROUND CHECK.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Attorney General
17 shall establish a method to permit employers in the elec-
18 tronic life safety and security systems installation and
19 monitoring industry to request State and Federal finger-
20 print-based background checks, in accordance with the in-
21 formation contained in appropriate records acquired under
22 section 534 of title 28, United States Code, and to provide
23 any resulting relevant criminal history record information
24 in accordance with the goals and standards described in
25 this Act.

1 (b) REQUIREMENTS.—The method for background
2 checks established under subsection (a)—

3 (1) shall allow—

4 (A) employers to discover if employees or
5 prospective employees have been convicted of a
6 felony or of an offense involving dishonesty or
7 false statement or the use of force against the
8 person of another during the 10-year period be-
9 fore the background check is conducted; and

10 (B) employers to obtain a background
11 check of State and Federal criminal history
12 record information by submitting fingerprints—

13 (i) to the Attorney General through
14 the State criminal history record repository
15 of the State in which the employer is lo-
16 cated; or

17 (ii) if a State declines to allow access
18 to the criminal history record repository of
19 the State, in a manner determined by the
20 Attorney General; and

21 (2) shall not duplicate access by an employer
22 regarding an employee working only within 1 State
23 where the State licensing and regulation of that em-
24 ployee already requires a Federal background check.

1 (c) FEES.—The Attorney General may set reasonable
2 fees to be charged in connection with the method for back-
3 ground checks established under subsection (a).

4 (d) PRIVACY PROTECTIONS.—The Attorney General,
5 in establishing the method for background checks under
6 subsection (a), shall give due consideration to privacy pro-
7 tections and employee rights. Each employee for whom a
8 background check is provided under this section should
9 have an effective means provided to seek a correction or
10 dispute the outcome of the background check.

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