

118TH CONGRESS
1ST SESSION

H. R. 1310

To authorize the use of FBI criminal history record information for administration of interstate compacts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2023

Mr. MANN (for himself, Mr. NEGUSE, Mr. FITZPATRICK, Mrs. BICE, Mr. MOYLAN, Mr. DAVIS of North Carolina, Mr. LAMALFA, Mr. BACON, Ms. TOKUDA, Mr. JACKSON of Texas, Mr. VAN DREW, Mr. MCCAUL, Mrs. BOEBERT, and Ms. BUDZINSKI) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the use of FBI criminal history record information for administration of interstate compacts, 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 “States Handling Ac-
5 cess to Reciprocity for Employment Act” or the “SHARE
6 Act”.

1 **SEC. 2. INFORMATION SHARING.**

2 Subtitle E of title IV of the Intelligence Reform and
3 Terrorism Prevention Act of 2004 (34 U.S.C. 41106 et
4 seq.) is amended by adding at the end the following:

5 **“SEC. 6404. SHARING AND USE OF CRIMINAL HISTORY**
6 **RECORD INFORMATION.**

7 “(a) FBI PROVIDING CRIMINAL HISTORY RECORD
8 INFORMATION TO STATE LICENSING AUTHORITIES.—The
9 Director of the Federal Bureau of Investigation shall fur-
10 nish or otherwise make available to a State licensing au-
11 thority, through an agreement with a State law enforce-
12 ment agency or State identification bureau, criminal his-
13 tory record information to the extent required by a inter-
14 state compact, or the regulations duly promulgated there-
15 under, for the purpose of conducting a criminal history
16 background check of individuals seeking a license or privi-
17 lege to practice an occupation or profession in a compact
18 member State.

19 “(b) STATE LICENSING AUTHORITY USE OF CRIMI-
20 NAL HISTORY RECORD INFORMATION.—A State licensing
21 authority that is a member of an interstate compact that
22 requires completion of a criminal history background
23 check for an individual for the purpose of acting upon a
24 license or privilege application of that individual to prac-
25 tice an occupation or profession in a State shall use such
26 information solely for that purpose and may not share

1 criminal history record information or any part thereof
2 with the compact's Commission, any other State entity or
3 licensing authority, or the public.

4 “(c) SHARING THE FACT OF COMPLETION OF THE
5 CRIMINAL HISTORY BACKGROUND CHECK EXPRESSLY
6 PERMITTED.—For the purpose of subsection (b), a State
7 licensing authority informing a compact Commission of
8 the completion of the criminal history background check,
9 including a binary determination of whether or not the
10 criminal history background check of an applicant was
11 satisfactory, is expressly permitted by this Act and shall
12 not constitute the sharing of criminal history record infor-
13 mation.

14 “(d) DEFINITIONS.—In this section:

15 “(1) COMMISSION.—The term ‘Commission’
16 means a joint governmental entity, established under
17 an agreement of 2 or more States participating in
18 an interstate compact.

19 “(2) CRIMINAL HISTORY RECORD INFORMA-
20 TION.—The term ‘criminal history record informa-
21 tion’ means information collected by law enforce-
22 ment agencies on individuals consisting of identifi-
23 able descriptions and notations of arrests, deten-
24 tions, indictments, informations, or other formal
25 criminal charges, and any disposition arising there-

1 from, including acquittal, sentencing, correctional
2 supervision, and release. The term does not include
3 identification information such as fingerprint records
4 if such information does not indicate the individual's
5 involvement with the criminal justice system.

6 “(3) LICENSE.—The term ‘license’ means a li-
7 cense or certification by which a State licensing au-
8 thority authorizes an individual to practice an occu-
9 pation or profession in that State.

10 “(4) PRIVILEGE.—The term ‘privilege’ means a
11 grant of authority issued pursuant to an interstate
12 compact to a license holder that permits the license
13 holder to practice in a compact member State.

14 “(5) STATE.—The term ‘State’ means any
15 State, territory, or possession of the United States,
16 and the District of Columbia.

17 “(6) STATE IDENTIFICATION BUREAU.—The
18 term ‘State identification bureau’ has the meaning
19 given such term in section 6402.

20 “(7) STATE LICENSING AUTHORITY.—The term
21 ‘State licensing authority’ means a State licensing
22 board, commission, department, or other entity that
23 is empowered under the law of that State to grant
24 a license to practice an occupation or profession.”.

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