

2015 -- H 5864

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - CONTRACTORS' REGISTRATION  
AND LICENSING BOARD

Introduced By: Representatives Solomon, Canario, Jacquard, Johnston, and Carnevale

Date Introduced: March 12, 2015

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-65 of the General Laws entitled "Contractors' Registration and  
2 Licensing Board" is hereby amended by adding thereto the following section:

3 **5-65-27. National criminal records check.** – (a) An applicant for any license or  
4 registration issued by the contractors' registration and licensing board including, but not limited  
5 to, licenses or registrations issued under chapters 65, 65.1, 65.2, 65.3 and 73 of title 5 shall  
6 undergo a national criminal records check, that shall include fingerprints submitted to the Federal  
7 Bureau of Investigation (FBI) by the bureau of criminal identification of the department of  
8 attorney general. The national criminal records check shall be processed prior to issuance of the  
9 license or registration.

10 (b) The bureau of criminal identification of the department of attorney general shall  
11 inform the applicant, in writing, of the nature of the disqualifying information; and, without  
12 disclosing the nature of the disqualifying information, shall notify the executive director of the  
13 board, in writing, that disqualifying information has been discovered.

14 (c) An applicant against whom disqualifying information has been found may provide a  
15 copy of the national criminal records check to the executive director of the board. The executive  
16 director of the board shall make a judgment regarding the issuance of the license or registration.

17 (d) In those situations in which no disqualifying information has been found, the bureau  
18 of criminal identification of the department of attorney general shall inform the applicant and the

1 executive director, in writing, of this fact.

2 (e) For the purposes of this section, “disqualifying information” means information  
3 produced by a national criminal records check pertaining to conviction for the following crimes:  
4 murder, voluntary manslaughter, involuntary manslaughter, first-degree sexual assault, second-  
5 degree sexual assault, third-degree sexual assault, first-degree child molestation sexual assault,  
6 second-degree child molestation sexual assault, any offense under chapter 67 of title 11, assault  
7 on persons sixty (60) years of age or older, assault with intent to commit specified felonies  
8 (murder, robbery, rape, burglary, or the abominable and detestable crimes against nature), felony  
9 assault, patient abuse, neglect or mistreatment of patients, burglary, first-degree arson, robbery,  
10 felony drug offenses, felony obtaining money under false pretenses, felony embezzlement, abuse,  
11 neglect and/or exploitation of adults with severe impairments, exploitation of elders, felony  
12 larceny, felony banking law violations, willful trespass, or any offense under chapter 41 of title  
13 11.

14 (f) For purposes of this subsection, “conviction” means, in addition to judgments of  
15 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
16 where the defendant has entered a plea of nolo contendere and has received a sentence of  
17 probation and those instances where a defendant has entered into a deferred sentence agreement  
18 with the attorney general.

19 (g) The executive director of the board shall maintain on file evidence that national  
20 criminal records checks have been initiated on all applicants for a license or registration on or  
21 after January 1, 2016, and the results of those checks.

22 (h) The applicant shall be responsible for the cost of conducting the national criminal  
23 records check through the bureau of criminal identification of the department of attorney general.

24 SECTION 2. This act shall take effect on January 1, 2016.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - CONTRACTORS' REGISTRATION  
AND LICENSING BOARD

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1           This act would require an applicant for any license or registration issued by the  
2 contractors' registration and licensing board including, but not limited to, licenses or registrations  
3 issued under chapter 65, 65.1, 65.2, 65.3 and 73 of title 5 to undergo a national criminal records  
4 check that shall include fingerprints submitted to the Federal Bureau of Investigation (FBI) by the  
5 bureau of criminal identification of the department of attorney general.

6           This act would take effect on January 1, 2016.

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