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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

AN ACT

RELATING TO BUSINESSES AND PROFESSIONS -- CRIMINAL RECORD BACKGROUND CHECKS

Introduced By: Representative Edith H. Ajello

Date Introduced: March 01, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 5-34-43 of the General Laws in Chapter 5-34 entitled "Nurses" is hereby amended to read as follows:

<u>5-34-43. Criminal records review. --</u> (a) Notwithstanding any provision of law to the contrary contained in any general or public law, rule or regulation, any person seeking a license to practice under this chapter, or who is previously licensed and authorized to practice under this chapter and is seeking employment, shall undergo a federal and statewide criminal background check (BCI), which shall be processed prior to receiving a license to practice or to enter into employment.

(b) The applicant shall apply to the bureau of criminal identification for a national criminal records check that shall include fingerprints submitted to the federal bureau of investigation. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the licensing agency or the potential employer in writing that disqualifying information has been discovered.

(c) The applicant against whom disqualifying information has been found, may request that a copy of the criminal background report be sent to the licensing agency or the potential employer. The licensing agency or the potential employer shall make a judgment regarding the issuing of a license.

1	(d) In those situations in which no disqualifying information has been found, the bureau
2	of criminal identification shall inform the applicant and the licensing agency or the potential
3	employer in writing of this fact.
4	(e) It shall be the responsibility of the applicant to pay for the criminal records check The
5	criminal records check shall be provided to the applicant without charge.
6	(f) For the purposes of this section, "disqualifying information" means those offenses
7	listed in sections 11-37-8.1, 11-37-8.3 and 23-17-37.
8	(g) At the conclusion of the criminal background check required by this section, the
9	attorney general, the state police, or local police department shall promptly destroy the fingerprint
10	record of the applicant obtained pursuant to this section.
11	SECTION 2. Section 16-2-18.1 of the General Laws in Chapter 16-2 entitled "School
12	Committees and Superintendents" is hereby amended to read as follows:
13	16-2-18.1 Criminal records review (a) Any person seeking employment with a
14	private school or public school department who has not previously been employed by a private
15	school or public school department in Rhode Island during the past twelve (12) months shall
16	undergo a national and state criminal background check to be initiated prior to or within one week
17	of employment after receiving a conditional offer of employment; provided, however, that
18	employees hired prior to August 1, 2001 and or who have been continuously employed by a
19	public school department in Rhode Island during the past twelve (12) months shall be exempted
20	from the requirements of this section and § 16-2-18.2.
21	(b) The applicant shall apply to the bureau of criminal identification (BCI), department of
22	attorney general, state police or local police department where they reside, for a national and state
23	criminal records check. Fingerprinting shall be required. Upon the discovery of any disqualifying
24	information, the bureau of criminal identification, state police or local police department will
25	inform the applicant in writing of the nature of the disqualifying information; and, without
26	disclosing the nature of the disqualifying information will notify the employer in writing that
27	disqualifying information has been discovered.
28	(c) An employee against whom disqualifying information has been found may request
29	that a copy of the criminal background report be sent to the employer who shall make a judgment
30	regarding the employment of the employee.
31	(d) In those situations in which no disqualifying information has been found, the bureau
32	of criminal identification, state police or local police department shall inform the applicant and
33	the employer in writing of this fact.
34	(e) For purposes of this section, "disqualifying information" means those offenses listed

in § 23-17-37, and those offenses listed in §§ 11-37-8.1 and 11-37-8.3.

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- 2 (f) The employer shall maintain on file, subject to inspection by the department of
- 3 elementary and secondary education, evidence that criminal records checks have been initiated on
- 4 all employees seeking employment subsequent to July 13, 1998, and the results of the checks.
- 5 The applicant shall be responsible for the costs of the national and state criminal records check
 - The criminal records check shall be provided to the applicant without charge.
- (g) At the conclusion of the criminal background check required in this section, the attorney general, state police or local police department shall promptly destroy the fingerprint record of the applicant obtained pursuant to this chapter.
- SECTION 3. Sections 16-48.1-5 and 16-48.1-8 of the General Laws in Chapter 16-48.1 entitled "Certification of Personnel Providing Educational Services to Very Young Children" are hereby amended to read as follows:

<u>16-48.1-5. Criminal records check – Employee. --</u> Any person seeking employment, if the employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, in any facility covered under § 16-48-1 shall, after acceptance by the employer of the affidavit required by § 16-48.1-3, apply to the Rhode Island bureau of criminal identification for a nationwide criminal records check. The check will conform to applicable federal standards including the taking of fingerprints to identify the applicant and any expenses associated with providing the criminal records check shall be paid by the applicant and/or requesting agency. Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the commissioner, the Rhode Island bureau of criminal identification will inform the applicant, in writing, of the nature of the disqualifying information. In addition, the Rhode Island bureau of criminal identification will inform the employer, in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying information has been discovered. An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the <u>continued employment of the applicant.</u> In those situations in which no disqualifying information has been found, the Rhode Island bureau of criminal identification will inform both the applicant and the employer, in writing, of this fact. The employer will maintain on file, subject to inspection by the commissioner, evidence that the criminal records checks have been initiated on all employees seeking employment after August 1, 1985, and the results of the checks. Failure to maintain that evidence on file will be prima facie grounds to revoke the license or registration of the operator of the facility. It will be the responsibility of the Rhode Island bureau of criminal

1	identification to conduct the nationwide criminal records check pursuant to this section. The
2	nationwide criminal records check will be provided to the applicant for employment without
3	charge to the applicant and without charge to the prospective employer if the employer is a tax
4	exempt corporation or an unincorporated nonprofit organization qualified under § 501(c) of the
5	United States Internal Revenue Code, 26 U.S.C.§501(c). At the conclusion of the criminal
6	background check required by this section, the attorney general, the state police, or local police
7	department shall promptly destroy the fingerprint record of the applicant obtained pursuant to this
8	section.
9	16-48.1-8. Destruction of fingerprint records At the conclusion of any background
10	check required by this chapter, the state police or the local police department will promptly
11	destroy the fingerprint eard record of the applicant.
12	SECTION 4. Section 23-17.7.1-20 of the General Law in Chapter 23-17.7.1 entitled
13	"Licensing of Nursing Service Agencies" is hereby amended to read as follows:
14	23-17.7.1-20. Disqualifying information (a) Information produced by a criminal
15	records review pertaining to conviction, for the following crimes will result in a letter to the
16	employee and employer disqualifying the applicant from the employment: murder, voluntary
17	manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault,
18	third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent
19	to commit specified felonies (murder, robbery, rape, burglary, or the abominable and detestable
20	crime against nature), felony assault, patient abuse, neglect or mistreatment of patients, first
21	degree arson, robbery, felony drug offenses, larceny, or felony banking law violations.
22	(b) Information produced by a criminal records review pertaining to convictions for
23	crimes other than those listed in subsection (a) of this section shall entitle, but not obligate the
24	employer to decline to hire the applicant. An employee against whom conviction information
25	related to this subsection has been found may request that a copy of the criminal background
26	report be sent to the employer who shall make a determination regarding the continued
27	employment of the employee.
28	(e)(b) For purposes of this section "conviction" means, in addition to judgments of
29	conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
30	where the defendant has entered a plea of nolo contendere and has received a sentence of
31	probation and those instances where a defendant has entered into a deferred sentence agreement
32	with the attorney general.
33	SECTION 5. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled

"Licensing of Massage Therapy Establishments" is hereby amended to read as follows:

1	23-20.8-3. Practice of massage – Use of titles limited – Qualifications for licenses –
2	<u>Fees.</u> – (a) Only a person licensed under this chapter shall practice massage.
3	(b) Only a person licensed under this chapter as a massage therapist may use the title
4	"massage therapist." Only a person licensed under this chapter may use the title "masseur" or
5	"masseuse."
6	(c) No person, firm, partnership, or corporation shall describe its services under the title
7	"massage" or "massage therapy" unless these services, as defined in § 23-20.8-1, are performed
8	by a person licensed to practice massage under this chapter, and, if described as "massage
9	therapy," by a massage therapist.
10	(d) Application for licenses as a masseur or masseuse, or as a massage therapist, shall be
11	issued by the department of health. Except for persons licensed as massage therapists, the
12	department shall establish minimum educational and training requirements for the persons to be
13	licensed under this chapter and shall have the authority to take disciplinary action against a
14	licensee for knowingly placing the health of a client at serious risk without maintaining the proper
15	precautions.
16	(e) The fee for original application for licensure as a massage therapist shall be fifty
17	dollars (\$50.00). The fee for annual license renewal shall be fifty dollars (\$50.00). Fees for all
18	other licenses under this chapter shall be fixed in an amount necessary to cover the cost of
19	administering this chapter.
20	(f) Any person applying for a license under this chapter shall undergo a criminal
21	background check. Such persons shall apply to the bureau of criminal identification of the state
22	police or local police department for a nationwide criminal records check. Fingerprinting shall be
23	required. Upon the discovery of any disqualifying information as defined in § 23-20.8-5, the
24	bureau of criminal identification of the state police or the local police department shall inform the
25	applicant, in writing, of the nature of the disqualifying information, and, without disclosing the
26	nature of the disqualifying information, shall notify the department, in writing, that disqualifying
27	information has been found. The applicant shall be responsible for payment of the costs of the
28	criminal records check.
29	(g) In those situations in which no disqualifying information has been found, the bureau
30	of criminal identification shall inform the applicant and the licensing agency or the potential
31	employer in writing of this fact.
32	(h) An applicant against whom disqualifying information has been found may request
33	that a copy of the criminal background report be sent to the department, which shall make a
34	judgment regarding the licensure of the applicant.

1	(i) The criminal records check shall be provided to the applicant without charge.
2	(j) At the conclusion of the criminal background check required by this section, the
3	attorney general, the state police, or local police department shall promptly destroy the fingerprint
4	record of the applicant obtained pursuant to this section.
5	SECTION 6. Section 39-18-4.1 of the General Laws in Chapter 39-18 entitled "Rhode
6	Island Public Transit Authority" is hereby amended to read as follows:
7	39-18-4.1. Health and safety of passengers (a) The authority shall have the power to
8	establish reasonable rules of conduct for passengers for the protection of the health and safety of
9	passengers and employees of the authority. The rules shall incorporate the provisions of the
10	Americans with Disabilities Act of 1990, 42 USC § 12101 et seq., and § 28-5.1-7, chapter 28 of
11	title 11 and chapter 87 of title 42 and be promulgated in accordance with the provisions of chapter
12	35 of title 42.
13	(b) All controversies arising out of application of any provision of this section shall be
14	determined by the general manager or his or her designated hearing officer, who shall afford a
15	hearing to the passenger and/or his or her parent or guardian, and, after hearing, shall render a
16	written decision. The decision of the general manager or hearing officer shall be final except that
17	the passenger aggrieved by the decision shall have a right of appeal to the superior court, which
18	shall affirm the decision unless it is clearly erroneous or contrary to law. The hearing shall be
19	conducted in accordance with the provisions of chapter 35 of title 42.
20	(c) Notice shall be provided to the RIde funding agency or agencies for any hearing
21	regarding their client/passengers on RIde vehicles. A representative of the RIde funding agency
22	or agencies may attend the hearing. The general manager or hearing officer will consider the
23	recommendation of the RIde funding agency's representative in rendering his/her decision.
24	(d) The decision of the general manager or hearing officer may include:
25	(1) Refusing to transport a person whose violation of the rules of the authority threatens
26	the health and safety of passengers or employees of the authority, for a period not to exceed six
27	(6) months; and/or
28	(2) Revoking a passenger's ticket, pass, or other fare medium, regardless of the number of
29	trips or time period for which the ticket, pass, or other fare medium is valid, if the passenger's
30	continued presence on an authority vehicle or at an authority facility threatens the health or safety
31	of the authority's other passengers or employees. The authority shall within a reasonable time
32	after such a revocation, refund to the passenger the unused value of the ticket, pass, or other fare
33	medium.

(e) Nothing under this section precludes any other action permitted by law.

(f) All RIde buses shall be installed with passenger security cameras when federal funds become available for this purpose.

- (g) Any person seeking employment as a RIde bus driver shall undergo a criminal background check to be initiated prior to or within one week of employment. All employees hired prior to the enactment of this subsection shall be exempted from its requirements.
- (1) The applicant shall apply to the bureau of criminal identification (BCI), department of attorney general, state police or local police department where he or she resides, for a statewide criminal records check. Fingerprinting shall not be required. Upon the discovery of any disqualifying information as defined in § 23-17-37, the bureau of criminal identification of the state police or the local police department will inform the applicant, in writing, of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information, will notify the employer, in writing, that disqualifying information has been discovered.
- (2) An individual against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the ability of the individual to drive a RIde bus. In those situations in which no disqualifying information has been found, the bureau of criminal identification, state police or local police department shall inform the applicant and the employer in writing of this fact.
- (3) The criminal record check requirements of this section shall apply only to persons seeking to drive RIde buses.
- 20 (4) The criminal records check shall be provided to the applicant without charge.
- SECTION 7. Sections 40-13.2-5, 40-13.2-5.1, and 40-13.2-5.2 of the General Laws in Chapter 40-13 entitled "Certification of Child Care and Youth Serving Agency Workers" are hereby amended to read as follows:
 - <u>40-13.2-5.</u> Criminal records check Employee of child care facilities which must be licensed by the department.-- (a) Any person seeking employment, if that employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, in any facility which is, or is required to be, licensed or registered with the department or seeking that employment at the training school for youth shall, after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal records check. The check will conform to applicable federal standards including the taking of fingerprints to identify the applicant.
 - (b) Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the director, the bureau of criminal identification of the state police or the

local police department will inform the applicant, in writing, of the nature of the disqualifying 1 2 information. In addition, the bureau of criminal identification of the state police or the local 3 police department will inform the relevant employer, in writing, without disclosing the nature of 4 the disqualifying information, that an item of disqualifying information has been discovered. 5 (c) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the state police or the local police department will inform both the 6 7 applicant and the employer, in writing, of this fact. 8 (d) An applicant against whom disqualifying information has been found may request 9 that a copy of the criminal background report be sent to the employer who shall make a judgment 10 regarding the continued employment of the applicant. 11 (d)(e) The employer will maintain on file, subject to inspection by the department, 12 evidence that criminal records checks have been initiated on all employees seeking employment 13 after August 1, 1985, and the results of the checks. 14 (e)(f) Failure to maintain that evidence on file will be prima facie grounds to revoke the 15 license or registration of the operator of the facility. 16 (f)(g) It will be the responsibility of the bureau of criminal identification of the state 17 police or the local police department to conduct the nationwide criminal records check pursuant 18 to this section. The nationwide criminal records check will be provided to the applicant for 19 employment without charge. 20 (h) At the conclusion of the criminal background check required by this section, the 21 attorney general, the state police, or local police department shall promptly destroy the fingerprint 22 record of the applicant obtained pursuant to this section. 23 40-13.2-5.1. Criminal records check – Employee of youth serving agency. -- (a) Any 24 person seeking employment, if that employment involves supervisory or disciplinary power over 25 a child or children or involves routine contact with a child or children without the presence of 26 other employees, in any facility or program which is a youth serving agency shall file with the 27 employer the affidavit required by § 40-13.2-3. Said affidavit shall be maintained on file by the 28 employer and shall be made available for inspection by the parent(s)/guardian(s) of any child who 29 is enrolled in the programs of the youth serving agency. 30 (b) Any person seeking employment, if that employment involves supervisory or 31 disciplinary authority over a child or children or involves routine contact with a child or children 32 without the presence of other employees, in any youth serving agency, shall apply to the bureau 33 of criminal identification of the attorney general's office for a criminal records check. The

criminal records check shall be provided to the applicant without charge.

(c) Those items of information appearing on a criminal records check which have been determined to constitute disqualifying information by the director pursuant to § 40-13.2-4 of this chapter shall also be items of disqualifying information pursuant to this section.

- (d) Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the director, the bureau of criminal identification of the attorney general's office will inform the applicant employer, in writing, of the nature of the disqualifying information. In addition, the bureau of criminal identification of the attorney general's office will inform the applicant, in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying information has been discovered.
- (e) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the employer who shall make a judgment regarding the continued employment of the applicant.
- (e)(f) In those situations in which no disqualifying information has been found, the bureau of criminal identification of the attorney general's office will inform both the applicant and the employer, in writing, of this fact. The employer will maintain on file, and make available for inspection by the parent(s)/guardian(s) of any child enrolled in the programs of the youth serving agency, evidence that criminal records checks have been obtained on all employees of the youth serving agency pursuant to § 40-13.2-5.1, and the results of the checks. The criminal records checks will be provided to the applicant for employment without charge.
- (g) At the conclusion of the criminal background check required by this section, the attorney general, the state police, or local police department shall promptly destroy the fingerprint record of the applicant obtained pursuant to this section.

40-13.2-5.2. Criminal records check – Employees of the department of children, youth and families. — (a) Any person seeking employment with the department of children, youth and families, if that employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, shall apply to the bureau of criminal identification (BCI), department of attorney general, state police, or local police department where the applicant resides, for a national and state criminal records check. The check shall conform to the applicable federal standards including the taking of fingerprints to identify the applicant. The director shall determine by rule those items of information appearing on a criminal records check which constitute disqualifying information because the information would indicate that employment could endanger the health or welfare of a child or children and would be inconsistent with the purpose and intent of the department of children, youth and families.

1	(b) The department of attorney general, the state police or the local police department
2	shall forward the results of the nationwide and state criminal record checks, including the nature
3	of any criminal record, on the individual to the individual and to the department of children,
4	youth and families. Upon the discovery of any disqualifying information with respect to an
5	applicant, the department of children, youth and families shall inform the applicant of the
6	disqualifying information. Upon the discovery of any disqualifying information as defined in
7	accordance with the rules promulgated by the director, the bureau of criminal identification of the
8	state police of the attorney general's office shall inform the applicant, in writing, of the nature of
9	the disqualifying information. In addition, the bureau of criminal identification of the attorney
10	general's office shall inform the department, in writing, without disclosing the nature of the
11	disqualifying information, that an item of disqualifying information has been discovered.
12	(c) An applicant against whom disqualifying information has been found may request that
13	a copy of the criminal background report be sent to the department which shall make a judgment
14	regarding the continued employment of the applicant.
15	(d) In those situations in which no disqualifying information has been found, the bureau
16	of criminal identification of the attorney general's office will inform both the applicant and the
17	department, in writing, of this fact.
18	(c)(e) The cost of criminal record checks required by this section for individuals who are
19	not currently employed by the State of Rhode Island shall be the responsibility of the applicant.
20	The cost of criminal records checks required by this section for individuals who are currently
21	employed by the State of Rhode Island applicants and employees shall be the responsibility of
22	the department of children, youth and families.
23	(d)(f) Any individual required to submit to a criminal background check, state and/or
24	federal, under subsection (a) above who has submitted to a criminal background check conducted
25	within the previous six (6) months in accordance with § 14-1-34 and/or § 15-7-11 and/or §§ 40-
26	13.2-2, 40-13.2-4, 40-13.2-5, and/or § 40-13.2-9, shall be exempt from an additional check but
27	shall request the department of attorney general, the state police or the local police department
28	which conducted the check forward the results, including the nature of the criminal record, to the
29	department of children, youth and families.
30	(g) At the conclusion of the criminal background check required by this section, the
31	attorney general, the state police, or local police department shall promptly destroy the fingerprint
32	record of the applicant obtained pursuant to this section.
33	SECTION 8. Sections 40.1-25.1-1 and 40.1-25.1-5 of the General Laws in Chapter 40.1-
34	25.1 entitled "Behavioral Healthcare, Developmental Disabilities and Hospitals" are hereby

2	40.1-25.1-1. Purpose In order to provide protection for persons residing in or
3	receiving services from facilities, programs or agencies licensed, funded and/or operated by the
4	department of mental health, retardation, and hospitals, all persons eighteen (18) years or older, as
5	further defined in subsection (3), seeking employment in any facility or program licensed, funded
6	and/or operated by the department shall be required to undergo a national criminal background
7	check for the purpose of determining whether the prospective employee has been convicted of a
8	crime that bears upon his or her fitness to have the responsibility for the safety and well-being of
9	persons residing in or receiving services from facilities, programs or agencies licensed, funded
10	and/or operated by the department.
11	40.1-25.1-5. Destruction of fingerprint records At the conclusion of any background
12	check required by this chapter, the state police or the local police department will promptly
13	destroy the fingerprint eard record of the applicant.
14	SECTION 8. Se4ction 45-2-3.3 of the General Laws In Chapter 45-2 entitled "General
15	Powers" is hereby amended to read as follows:
16	45-2-3.3. Background checks (a) Notwithstanding any law to the contrary, any
17	municipal recreation department may request a background check from their local police
18	department for any employee or volunteer serving their community.
18 19	department for any employee or volunteer serving their community. (b) The applicant shall apply to the bureau of criminal identification for a criminal
19	(b) The applicant shall apply to the bureau of criminal identification for a criminal
19 20	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal
19 20 21	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information;
19 20 21 22	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal
19 20 21 22 23	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered.
19 20 21 22 23 24	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that
19 20 21 22 23 24 25	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the municipal recreation department. The
19 20 21 22 23 24 25 26	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the municipal recreation department. The municipal recreation department shall make a judgment regarding the continued employment or
19 20 21 22 23 24 25 26 27	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the municipal recreation department. The municipal recreation department shall make a judgment regarding the continued employment or volunteerism of the applicant.
19 20 21 22 23 24 25 26 27 28	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the municipal recreation department. The municipal recreation department shall make a judgment regarding the continued employment or volunteerism of the applicant. (d) In those situations in which no disqualifying information has been found, the bureau
19 20 21 22 23 24 25 26 27 28 29	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the municipal recreation department. The municipal recreation department shall make a judgment regarding the continued employment or volunteerism of the applicant. (d) In those situations in which no disqualifying information has been found, the bureau of criminal identification will inform both the applicant and the municipal recreation department,
19 20 21 22 23 24 25 26 27 28 29 30	(b) The applicant shall apply to the bureau of criminal identification for a criminal records check. Upon the discovery of any disqualifying information, the bureau of criminal identification will inform the applicant in writing of the nature of the disqualifying information; and, without disclosing the nature of the disqualifying information will notify the municipal recreation department in writing that disqualifying information has been discovered. (c) An applicant against whom disqualifying information has been found may request that a copy of the criminal background report be sent to the municipal recreation department. The municipal recreation department shall make a judgment regarding the continued employment or volunteerism of the applicant. (d) In those situations in which no disqualifying information has been found, the bureau of criminal identification will inform both the applicant and the municipal recreation department, in writing, of this fact.

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amended to read as follows:

1	SECTION 9. This act shall take effect upon passage
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	LC01755
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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO BUSINESSES AND PROFESSIONS -- CRIMINAL RECORD BACKGROUND CHECKS

This act would amend various provisions of the general laws in order to provide more uniformity with regard to criminal background checks.

This act would take effect upon passage.

LC01755