

2021 -- H 5748

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO EDUCATION -- CRIMINAL BACKGROUND CHECKS OF VOLUNTEERS
AND INTERNS

Introduced By: Representatives Giraldo, Alzate, and Williams

Date Introduced: February 24, 2021

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 110

4 BACKGROUND CHECKS OF VOLUNTEERS AND INTERNS REQUIRED

5 **16-110-1. Criminal records check -- Volunteers and interns -- Required.**

6 (a) Any person seeking to volunteer or become an intern at any public or private elementary
7 or secondary school, if that employment involves supervisory or disciplinary power over a child or
8 children or involves routine contact with a child or children, shall apply to the bureau of criminal
9 identification of the state police or the local police department, or the office of the attorney general,
10 or the department of children, youth and families, for a state and nationwide criminal records check.
11 The check will conform to applicable federal standards including the taking of fingerprints to
12 identify the applicant. The criminal record checks as required by this section shall be conducted
13 every five (5) years from the date of the previous criminal background check.

14 (b) Upon the discovery of any disqualifying information the bureau of criminal
15 identification of the state police or the local police department or the office of the attorney general
16 or the department of children, youth and families will inform the applicant, in writing, of the nature
17 of the disqualifying information. In addition, the bureau of criminal identification of the state police
18 or the office of the attorney general, or department of children, youth and families, or the local

1 police department will inform the relevant employer, in writing, without disclosing the nature of
2 the disqualifying information, that an item of disqualifying information has been discovered.

3 (c) In those situations in which no disqualifying information has been found, the bureau of
4 criminal identification of the state police or the local police department or the office of the attorney
5 general, or the department of children, youth and families will inform both the applicant and the
6 employer, in writing, that no disqualifying information has been found.

7 (d) It will be the responsibility of the bureau of criminal identification of the state police
8 or the office of the attorney general, or the local police department, or the department of children,
9 youth and families, to conduct the nationwide criminal records check pursuant to this section. The
10 nationwide criminal records check will be provided to the applicant for employment. Any expense
11 associated for providing the criminal records check for a volunteer or intern shall be waived.

12 SECTION 2. Section 28-6.14-1 of the General Laws in Chapter 28-6.14 entitled
13 "Employment Applications Prohibited" is hereby amended to read as follows:

14 **28-6.14-1. Criminal history on application for employment.**

15 (a) The director of labor and training shall have the same powers and duties as set forth in
16 chapter 12 and chapter 14 of title 28 to investigate, inspect, subpoena, and enforce through
17 administrative hearings, complaints that allege that an employer has included on any application
18 for employment, except applications for law enforcement agency positions, or positions related to
19 law enforcement agencies, a question inquiring whether the applicant has ever been arrested,
20 charged with, or convicted of any crime; provided that:

21 (1) If a federal or state law or regulation creates a mandatory or presumptive
22 disqualification from employment based on a person's conviction of one or more specified criminal
23 offenses, an employer may include a question whether the applicant has ever been convicted of any
24 of those offenses; or

25 (2) If a standard fidelity bond or an equivalent bond is required for the position for which
26 the applicant is seeking employment, and the applicant's conviction of one or more specified
27 criminal offenses would disqualify the applicant from obtaining such a bond, an employer may
28 include a question whether the applicant has ever been convicted of any of those specified criminal
29 offenses.

30 (b) The department of labor and training and the commission for human rights shall
31 cooperate in the investigation of complaints filed under this section when the allegations are within
32 the jurisdiction of both agencies.

33 (c) The department of labor and training shall disseminate information to employers and
34 workers about the prohibitions prescribed in this section.

1 (d) Any fees for criminal background checks permitted under section (a)(1) or (a)(2) of this
2 section shall be waived if the applicant is seeking employment to a position with a salary of under
3 forty thousand dollars (\$40,000).

4 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- CRIMINAL BACKGROUND CHECKS OF VOLUNTEERS
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1 This act would require state and national criminal background checks for any person
2 volunteering or interning at any elementary or secondary educational institution and would waive
3 fees for the applicant. It would also waive fees for criminal background checks on any employment
4 with a salary of less than forty thousand dollars (\$40,000).

5 This act would take effect upon passage.

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