

2016 -- H 7636

=====
LC004643
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO HUMAN SERVICES -- THE YOUTH PROTECTION ACT

Introduced By: Representatives Carson, McEntee, Craven, Shekarchi, and Keable

Date Introduced: February 12, 2016

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 13.3

4 THE YOUTH PROTECTION ACT

5 **40-13.3-1. Short title.** -- This chapter shall be known and may be cited as "The Youth
6 Protection Act".

7 **40-13.3-2. Definitions.** -- For the purpose of this chapter

8 (1) "Child" means any person less than eighteen (18) years of age, provided that a person
9 over eighteen (18) years of age and not yet twenty-one (21) years of age who is nevertheless
10 subject to continuing jurisdiction of the family court, pursuant to chapter 1 of title 14 or is
11 identified as emotionally disturbed as defined in chapter 7 of title 40.1 or is identified as
12 developmentally delayed in accordance with §40.1-1-8 shall be a child for purposes of this
13 chapter.

14 (2) "Department" means the department of children, youth, and families.

15 (3) "Director" means the director of the department of children, youth, and families or the
16 designee of the director or its successor.

17 (4) "Volunteer" means any person providing volunteer services who may have direct or
18 unmonitored contact with a child.

19 (5) "Youth sports program" means any program organized either statewide or in a city or

1 town which services children and is organized for recreational and/or athletic purposes.

2 **40-13.3-3. Criminal records check -- Persons having contact with children.** -- (a) Any
3 person who is employed or seeking to volunteer and having supervisory or disciplinary authority
4 over a child or children involving contact with a child or children shall apply to the bureau of
5 criminal identification of the attorney general's office for a criminal records check. Agencies or
6 organizations for which an employee or a volunteer shall be required to obtain a criminal records
7 check shall include, but be limited to, any youth sports leagues, the Boy and Girl Scouts of
8 America, and/or any YMCA. Employee for the purposes of this section shall include any private
9 vendor, independent contractor or contract employer that has supervisory or disciplinary authority
10 over a child or children involving contact with a child or children.

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

14 (c) Upon the discovery of any disqualifying information as defined in accordance with
15 the rule promulgated by the director, the bureau of criminal identification of the attorney general's
16 office will inform the applicant, in writing, of the nature of the disqualifying information. In
17 addition, the bureau of criminal identification of the attorney general's office will inform the
18 applicant, in writing, without disclosing the nature of the disqualifying information, that an item
19 of disqualifying information has been discovered.

20 (d) In those situations in which no disqualifying information has been found, the bureau
21 of criminal identification of the attorney general's office will inform the applicant, in writing, of
22 this fact.

23 **40-13.3-4. Rules and regulations.** -- The director is authorized to promulgate rules and
24 regulations to carry out the intent of this chapter.

25 **40-13.3-5. Destruction of fingerprint records.** -- At the conclusion of any background
26 check required by this chapter, the state police or the local police department will promptly
27 destroy the fingerprint card of the applicant in accordance with applicable laws.

28 SECTION 2. This act shall take effect upon passage.

=====
LC004643
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HUMAN SERVICES -- THE YOUTH PROTECTION ACT

- 1 This act would require certain persons who have contact with children get criminal
- 2 records checks.
- 3 This act would take effect upon passage.

=====
LC004643
=====