

2021 -- H 6154

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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 STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN SERVICES

Introduced By: Representative Mary Ann Shallcross Smith

Date Introduced: March 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-12 of the General Laws entitled "Department of Human Services"
2 is hereby amended by adding thereto the following sections:

3 **42-12-25.1. Background check of service providers for children and youth.**

4 (a) Any facility or business which teaches, gives lessons, classes or training to children and
5 youth shall be required to submit all its employees to a criminal background check before they may
6 be employed by said facility or business.

7 (b) The state police or police department in the city or town where the facility or business
8 is located shall perform the criminal background check.

9 (c) The owner and/or the operator of the facility of business shall pay all the costs incurred
10 to perform the required criminal background checks.

11 **42-12-25.2. Disqualifying information.**

12 (a) Information produced by a criminal records review pertaining to conviction, for the
13 following crimes, will result in a letter to the employee and employer disqualifying the applicant
14 from the employment: murder, voluntary manslaughter, involuntary manslaughter, first degree
15 sexual assault, second degree sexual assault, third degree sexual assault, assault with intent to
16 commit specified felonies (murder, robbery, rape, burglary, or an abominable and detestable crime
17 against nature), felony assault, first degree arson, robbery, felony drug offenses, larceny, or felony
18 banking law violations.

1 (b) Information produced by a criminal records review, pertaining to convictions for
2 crimes, other than those listed in subsection (a) of this section shall entitle, but not obligate the
3 employer to decline to hire the applicant. An employee against whom conviction information
4 related to this subsection has been found, may request that a copy of the criminal background report
5 be sent to the employer who shall make a determination regarding the continued employment of
6 the employee.

7 (c) For purposes of this section, "conviction" means, in addition to judgments of conviction
8 entered by a court, subsequent to a finding of guilty or a plea of guilty, those instances where the
9 defendant has entered a plea of nolo contendere and has received a sentence of probation and those
10 instances where a defendant has entered into a deferred sentence agreement with the attorney
11 general.

12 **42-12-25.3. Immunity from liability.**

13 No employer who disqualifies an individual from employment, or continued employment
14 within thirty (30) days of receipt of a letter containing disqualifying information, as defined in §
15 42-12-25.2 or of a criminal background report relating to that information shall be liable for civil
16 damages or subject to any claim, cause of action, or proceeding of any nature as a result of the
17 disqualification.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF HUMAN
SERVICES

1 This act would require any facility or business which teaches, gives lessons, classes or
2 training to children and youth to have their prospective employees submit to a criminal background
3 check, through the state or local police department, prior to them being hired.

4 This act would take effect upon passage.

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