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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CRIMINAL RECORD
BACKGROUND CHECKS

Introduced By: Representatives Ajello, Tanzi, and Walsh

Date Introduced: February 13, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **5-34-43. Criminal records review.** -- (a) Notwithstanding any provision of law to the
4 contrary contained in any general or public law, rule or regulation, any person seeking a license to
5 practice under this chapter, or who is previously licensed and authorized to practice under this
6 chapter and is seeking employment, shall undergo a federal and statewide criminal background
7 check (BCI), which shall be processed prior to receiving a license to practice or to enter into
8 employment.

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

15 (c) The applicant against whom disqualifying information has been found, may request
16 that a copy of the criminal background report be sent to the licensing agency or the potential
17 employer. The licensing agency or the potential employer shall make a judgment regarding the
18 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 §§ 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. Sections 16-2-18.1 and 16-2-18.4 of the General Laws in Chapter 16-2
12 entitled "School Committees and Superintendents [See Title 16 Chapter 97 - The Rhode Island
13 Board of Education Act]" are hereby amended to read as follows:

14 **16-2-18.1. Criminal records review.** -- (a) Any person seeking employment with a
15 private school or public school department who has not previously been employed by a private
16 school or public school department in Rhode Island during the past twelve (12) months shall
17 undergo a national and state criminal background check to be initiated prior to or within one week
18 of employment after receiving a conditional offer of employment; provided, however, that
19 employees hired prior to August 1, 2001 and or who have been continuously employed by a
20 public school department in Rhode Island during the past twelve (12) months shall be exempted
21 from the requirements of this section and section 16-2-18.2.

22 (b) The applicant shall apply to the bureau of criminal identification (BCI), department
23 of attorney general, state police or local police department where they reside, for a national and
24 state criminal records check. Fingerprinting shall be required. Upon the discovery of any
25 disqualifying information, the bureau of criminal identification, state police or local police
26 department will inform the applicant in writing of the nature of the disqualifying information;
27 and, without disclosing the nature of the disqualifying information will notify the employer in
28 writing that disqualifying information has been discovered.

29 (c) An employee against whom disqualifying information has been found may request
30 that a copy of the criminal background report be sent to the employer who shall make a judgment
31 regarding the employment of the employee.

32 (d) In those situations in which no disqualifying information has been found, the bureau
33 of criminal identification, state police or local police department shall inform the applicant and
34 the employer in writing of this fact.

1 (e) For purposes of this section, "disqualifying information" means those offenses listed
2 in section 23-17-37, and those offenses listed in sections 11-37-8.1 and 11-37-8.3.

3 (f) The employer shall maintain on file, subject to inspection by the department of
4 elementary and secondary education, evidence that criminal records checks have been initiated on
5 all employees seeking employment subsequent to July 13, 1998, and the results of the checks.
6 ~~The applicant shall be responsible for the costs of the national and state criminal records check.~~
7 The criminal records check shall be provided to the applicant without charge.

8 (g) At the conclusion of the criminal background check required in this section, the
9 attorney general, state police or local police department shall promptly destroy the fingerprint
10 record of the applicant obtained pursuant to this chapter.

11 **16-2-18.4. Criminal records review for volunteers.** -- (a) Any person who is a current
12 or prospective volunteer of a private school or public school department and who may have direct
13 and unmonitored contact with children and/or students on school premises, shall undergo a state
14 criminal background check to be initiated prior to or within one week of commencement of such
15 volunteer work.

16 (b) The applicant shall apply to the bureau of criminal identification (BCI), department
17 of attorney general, state police or local police department where he or she resides, for a state
18 criminal records check. Upon the discovery of any disqualifying information, the bureau of
19 criminal identification, state police or local police department will inform the applicant in writing
20 of the nature of the disqualifying information; and, without disclosing the nature of the
21 disqualifying information will notify the school department in writing that disqualifying
22 information has been discovered.

23 (c) A person against whom disqualifying information has been found may request that a
24 copy of the criminal background report be sent to the school department which shall make a
25 judgment regarding the qualifications and fitness of said person to volunteer for the school
26 department.

27 (d) In those situations in which no disqualifying information has been found, the bureau
28 of criminal identification, state police or local police department shall inform the applicant and
29 the school department in writing of this fact.

30 (e) For purposes of this section, "disqualifying information" means those offenses listed
31 in section 23-17-37, and those offenses listed in sections 11-37-8.1 and 11-37-8.3.

32 (f) The school department shall maintain on file, subject to inspection by the department
33 of elementary and secondary education, evidence that criminal records checks have been initiated
34 on all volunteers seeking employment subsequent to July 1, 2012, and the results of the checks.

1 ~~The current or prospective volunteer shall be responsible for the costs of the state criminal~~
2 ~~records check.~~ The criminal records check shall be provided to the volunteer or applicant without
3 charge.

4 (g) As used in this section and section 16-2-18.5, the term "school department" means
5 the school department for a public school as well as the governing administrative body for a
6 private school.

7 SECTION 3. Sections 16-48.1-5 and 16-48.1-8 of the General Laws in Chapter 16-48.1
8 entitled "Certification of Personnel Providing Educational Services to Very Young Children" are
9 hereby amended to read as follows:

10 **16-48.1-5. Criminal records check -- Employee.** -- Any person seeking employment, if
11 the employment involves supervisory or disciplinary power over a child or children or involves
12 routine contact with a child or children without the presence of other employees, in any facility
13 covered under section 16-48-1 shall, after acceptance by the employer of the affidavit required by
14 section 16-48.1-3, apply to the Rhode Island bureau of criminal identification for a nationwide
15 criminal records check. The check will conform to applicable federal standards including the
16 taking of fingerprints to identify the applicant and any expenses associated with providing the
17 criminal records check shall be paid by the applicant and/or requesting agency. Upon the
18 discovery of any disqualifying information as defined in accordance with the rule promulgated by
19 the commissioner, the Rhode Island bureau of criminal identification will inform the applicant, in
20 writing, of the nature of the disqualifying information. In addition, the Rhode Island bureau of
21 criminal identification will inform the employer, in writing, without disclosing the nature of the
22 disqualifying information, that an item of disqualifying information has been discovered. An
23 applicant against whom disqualifying information has been found may request that a copy of the
24 criminal background report be sent to the employer who shall make a judgment regarding the
25 continued employment of the applicant. In those situations in which no disqualifying information
26 has been found, the Rhode Island bureau of criminal identification will inform both the applicant
27 and the employer, in writing, of this fact. The employer will maintain on file, subject to
28 inspection by the commissioner, evidence that the criminal records checks have been initiated on
29 all employees seeking employment after August 1, 1985, and the results of the checks. Failure to
30 maintain that evidence on file will be prima facie grounds to revoke the license or registration of
31 the operator of the facility. It will be the responsibility of the Rhode Island bureau of criminal
32 identification to conduct the nationwide criminal records check pursuant to this section. The
33 nationwide criminal records check will be provided to the applicant for employment without
34 charge to the applicant and without charge to the prospective employer if the employer is a tax

1 exempt corporation or an unincorporated nonprofit organization qualified under section 501(c) of
2 the United States Internal Revenue Code, 26 U.S.C. section 501(c). At the conclusion of the
3 criminal background check required by this section, the attorney general, the state police, or local
4 police department shall promptly destroy the fingerprint record of the applicant obtained pursuant
5 to this section.

6 **16-48.1-8. Destruction of fingerprint records.** -- At the conclusion of any background
7 check required by this chapter, the state police or the local police department will promptly
8 destroy the fingerprint ~~card~~ record of the applicant.

9 SECTION 4. Section 23-17.7.1-20 of the General Laws in Chapter 23-17.7.1 entitled
10 "Licensing of Nursing Service Agencies" is hereby amended to read as follows:

11 **23-17.7.1-20. Disqualifying information.** -- (a) Information produced by a criminal
12 records review pertaining to conviction, for the following crimes will result in a letter to the
13 employee and employer disqualifying the applicant from the employment: murder, voluntary
14 manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault,
15 third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent
16 to commit specified felonies (murder, robbery, rape, burglary, or the abominable and detestable
17 crime against nature), felony assault, patient abuse, neglect or mistreatment of patients, first
18 degree arson, robbery, felony drug offenses, larceny, or felony banking law violations.

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

25 (e) For purposes of this section "conviction" means, in addition to judgments of
26 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances
27 where the defendant has entered a plea of nolo contendere and has received a sentence of
28 probation and those instances where a defendant has entered into a deferred sentence agreement
29 with the attorney general.

30 SECTION 5. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled
31 "Licensing of Massage Therapists" is hereby amended to read as follows:

32 **23-20.8-3. Practice of massage -- Licensed required -- Use of title limited --**
33 **Qualifications for licenses continuing education -- Fees.** -- (a) A person shall not practice or
34 hold himself or herself out to others as practicing massage therapy, or as a massage therapist

1 without first receiving from the board a license to engage in that practice.

2 (b) A person shall hold himself or herself out to others as a massage therapist when the
3 person adopts or uses any title or description including "massage therapist," "masseur,"
4 "masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage
5 technician," "massage practitioner," or any derivation of those terms that implies this practice.

6 (c) It shall be unlawful to advertise the practice of massage using the term massage or
7 any other term that implies a massage technique or method in any public or private publication or
8 communication by a person not licensed by the state of Rhode Island department of health as a
9 massage therapist. Any person who holds a license to practice as a massage therapist in this state
10 may use the title "licensed massage therapist" and the abbreviation "LMT." No other persons may
11 assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate
12 that the person using the title is a licensed massage therapist. A massage therapist's name and
13 license number must conspicuously appear on all of the massage therapist's advertisements. A
14 massage therapist licensed under this chapter must conspicuously display his or her license in his
15 or her principal place of business. If the massage therapists does not have a principal place of
16 business or conducts business in any other location, he or she must have a copy of his or her
17 license available for inspection while performing any activities related to massage therapy.

18 (d)(1) The board shall, by rule, establish requirements for continued education. The
19 board may establish such requirements to be completed and verified biennially or annually. The
20 board shall require no more than twelve (12) hours biennially or six (6) hours annually.

21 (2) Applicants for biennial licensure renewal shall meet continuing education
22 requirements as prescribed by the board. On application for renewal of license, massage
23 therapists shall attest to completion of six (6) hours annually in scope of practice-specific
24 offerings that may include, but not be limited to:

- 25 (i) Formal presentations;
- 26 (ii) Conferences;
- 27 (iii) Coursework from a regionally accredited college/university; and/or
- 28 (iv) Self-study course, such as online courses awarding one education hour for each hour
29 completed.

30 Such programs or offerings shall be approved or sponsored by a board-approved
31 organization. The board shall require no more than two (2) hours of ethics or standards of practice
32 biennially.

33 (3) A licensee who fails to complete the continuing education requirements described
34 herein may be subject to disciplinary action pursuant to section 5-40-13 of this chapter.

1 (4) A license may be denied to any applicant who fails to provide satisfactory evidence
2 of completion of continuing education relevant to massage therapy as required herein.

3 (5) The board may waive the requirement for these educational requirements if the board
4 is satisfied that the applicant has suffered hardship, which may have prevented meeting the
5 educational requirements.

6 (e) The fee for original application for licensure as a massage therapist and for annual
7 license renewal shall be as set forth in section 23-1-54. Fees for all other licenses under this
8 chapter shall be fixed in an amount necessary to cover the cost of administering this chapter.

9 (f) Any person applying for a license under this chapter shall undergo a criminal
10 background check. Such persons shall apply to the bureau of criminal identification of the state
11 police or local police department for a nationwide criminal records check. Fingerprinting shall be
12 required. Upon the discovery of any disqualifying information as defined in subsection (g), the
13 bureau of criminal identification of the state police or the local police department shall inform the
14 applicant, in writing, of the nature of the disqualifying information and, without disclosing the
15 nature of the disqualifying information, shall notify the board, in writing, that disqualifying
16 information has been found. In those situations in which no disqualifying information has been
17 found, the bureau of criminal identification shall inform the applicant and the board in writing of
18 this fact. An applicant against whom disqualifying information has been found may request that a
19 copy of the criminal background report be sent to the board, which shall make a judgment
20 regarding the licensure of the applicant. ~~The applicant shall be responsible for payment of the~~
21 ~~costs of the criminal records check.~~

22 (g) "Disqualifying information" means those offenses, including, but not limited to,
23 those offenses defined in sections 11-37, 11-37-8.1, 11-37-8.3, 23-17-37, 11-34 and 11-34.1.

24 [\(h\) The criminal records check shall be provided to the applicant without charge.](#)

25 [\(i\) At the conclusion of the criminal background check required by this section, the](#)
26 [attorney general, the state police, or local police department shall promptly destroy the fingerprint](#)
27 [record of the applicant obtained pursuant to this section.](#)

28 SECTION 6. Section 39-18-4.1 of the General Laws in Chapter 39-18 entitled "Rhode
29 Island Public Transit Authority" is hereby amended to read as follows:

30 **39-18-4.1. Health and safety of passengers.** -- (a) The authority shall have the power to
31 establish reasonable rules of conduct for passengers for the protection of the health and safety of
32 passengers and employees of the authority. The rules shall incorporate the provisions of the
33 Americans with Disabilities Act of 1990, 42 USC section 12101 et seq., and section 28-5.1-7,
34 chapter 28 of title 11 and chapter 87 of title 42 and be promulgated in accordance with the

1 provisions of chapter 35 of title 42.

2 (b) All controversies arising out of application of any provision of this section shall be
3 determined by the general manager or his or her designated hearing officer, who shall afford a
4 hearing to the passenger and/or his or her parent or guardian, and, after hearing, shall render a
5 written decision. The decision of the general manager or hearing officer shall be final except that
6 the passenger aggrieved by the decision shall have a right of appeal to the superior court, which
7 shall affirm the decision unless it is clearly erroneous or contrary to law. The hearing shall be
8 conducted in accordance with the provisions of chapter 35 of title 42.

9 (c) Notice shall be provided to the RIdE funding agency or agencies for any hearing
10 regarding their client/passengers on RIdE vehicles. A representative of the RIdE funding agency
11 or agencies may attend the hearing. The general manager or hearing officer will consider the
12 recommendation of the RIdE funding agency's representative in rendering his/her decision.

13 (d) The decision of the general manager or hearing officer may include:

14 (1) Refusing to transport a person whose violation of the rules of the authority threatens
15 the health and safety of passengers or employees of the authority, for a period not to exceed six
16 (6) months; and/or

17 (2) Revoking a passenger's ticket, pass, or other fare medium, regardless of the number
18 of trips or time period for which the ticket, pass, or other fare medium is valid, if the passenger's
19 continued presence on an authority vehicle or at an authority facility threatens the health or safety
20 of the authority's other passengers or employees. The authority shall within a reasonable time
21 after such a revocation, refund to the passenger the unused value of the ticket, pass, or other fare
22 medium.

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

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

26 (g) Any person seeking employment as a RIdE bus driver shall undergo a criminal
27 background check to be initiated prior to or within one week of employment. All employees hired
28 prior to the enactment of this subsection shall be exempted from its requirements.

29 (1) The applicant shall apply to the bureau of criminal identification (BCI), department
30 of attorney general, state police or local police department where he or she resides, for a statewide
31 criminal records check. Fingerprinting shall not be required. Upon the discovery of any
32 disqualifying information as defined in section 23-17-37, the bureau of criminal identification of
33 the state police or the local police department will inform the applicant, in writing, of the nature
34 of the disqualifying information; and, without disclosing the nature of the disqualifying

1 information, will notify the employer, in writing, that disqualifying information has been
2 discovered.

3 (2) An individual against whom disqualifying information has been found may request
4 that a copy of the criminal background report be sent to the employer who shall make a judgment
5 regarding the ability of the individual to drive a RIdE bus. In those situations in which no
6 disqualifying information has been found, the bureau of criminal identification, state police or
7 local police department shall inform the applicant and the employer in writing of this fact.

8 (3) The criminal record check requirements of this section shall apply only to persons
9 seeking to drive RIdE buses.

10 [\(4\) The criminal records check shall be provided to the applicant without charge.](#)

11 SECTION 7. Sections 40-13.2-5, 40-13.2-5.1 and 40-13.2-5.2 of the General Laws in
12 Chapter 40-13.2 entitled "Certification of Child Care and Youth Serving Agency Workers" are
13 hereby amended to read as follows:

14 **40-13.2-5. Criminal records check -- Employee of child care facilities which must be**

15 **licensed by the department.** -- (a) Any person seeking employment, if that employment involves
16 supervisory or disciplinary power over a child or children or involves routine contact with a child
17 or children without the presence of other employees, in any facility which is, or is required to be,
18 licensed or registered with the department or seeking that employment at the training school for
19 youth shall, after acceptance by the employer of the affidavit required by section 40-13.2-3, apply
20 to the bureau of criminal identification of the state police or the local police department for a
21 nationwide criminal records check. The check will conform to applicable federal standards
22 including the taking of fingerprints to identify the applicant.

23 (b) Upon the discovery of any disqualifying information as defined in accordance with
24 the rule promulgated by the director, the bureau of criminal identification of the state police or the
25 local police department will inform the applicant, in writing, of the nature of the disqualifying
26 information. In addition, the bureau of criminal identification of the state police or the local
27 police department will inform the relevant employer, in writing, without disclosing the nature of
28 the disqualifying information, that an item of disqualifying information has been discovered.

29 (c) In those situations in which no disqualifying information has been found, the bureau
30 of criminal identification of the state police or the local police department will inform both the
31 applicant and the employer, in writing, of this fact.

32 [\(d\) An applicant against whom disqualifying information has been found may request](#)
33 [that a copy of the criminal background report be sent to the employer who shall make a judgment](#)
34 [regarding the continued employment of the applicant.](#)

1 ~~(d)~~(e) The employer will maintain on file, subject to inspection by the department,
2 evidence that criminal records checks have been initiated on all employees seeking employment
3 after August 1, 1985, and the results of the checks.

4 ~~(e)~~(f) Failure to maintain that evidence on file will be prima facie grounds to revoke the
5 license or registration of the operator of the facility.

6 ~~(f)~~(g) It will be the responsibility of the bureau of criminal identification of the state
7 police or the local police department to conduct the nationwide criminal records check pursuant
8 to this section. The nationwide criminal records check will be provided to the applicant for
9 employment without charge.

10 (h) At the conclusion of the criminal background check required by this section, the
11 attorney general, the state police, or local police department shall promptly destroy the fingerprint
12 record of the applicant obtained pursuant to this section.

13 **40-13.2-5.1. Criminal records check -- Employee of youth serving agency.** -- (a) Any
14 person seeking employment, if that employment involves supervisory or disciplinary power over
15 a child or children or involves routine contact with a child or children without the presence of
16 other employees, in any facility or program which is a youth serving agency shall file with the
17 employer the affidavit required by section 40-13.2-3. Said affidavit shall be maintained on file by
18 the employer and shall be made available for inspection by the parent(s)/guardian(s) of any child
19 who is enrolled in the programs of the youth serving agency.

20 (b) Any person seeking employment, if that employment involves supervisory or
21 disciplinary authority over a child or children or involves routine contact with a child or children
22 without the presence of other employees, in any youth serving agency, shall apply to the bureau
23 of criminal identification of the attorney general's office for a criminal records check. The
24 criminal records check shall be provided to the applicant without charge.

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

28 (d) Upon the discovery of any disqualifying information as defined in accordance with
29 the rule promulgated by the director, the bureau of criminal identification of the attorney general's
30 office will inform the ~~applicant~~ employer, in writing, of the nature of the disqualifying
31 information. In addition, the bureau of criminal identification of the attorney general's office will
32 inform the applicant, in writing, without disclosing the nature of the disqualifying information,
33 that an item of disqualifying information has been discovered.

34 (e) An applicant against whom disqualifying information has been found may request that

1 [a copy of the criminal background report be sent to the employer who shall make a judgment](#)
2 [regarding the continued employment of the applicant.](#)

3 ~~(e)~~(f) In those situations in which no disqualifying information has been found, the
4 bureau of criminal identification of the attorney general's office will inform both the applicant
5 and the employer, in writing, of this fact. The employer will maintain on file, and make available
6 for inspection by the parent(s)/guardian(s) of any child enrolled in the programs of the youth
7 serving agency, evidence that criminal records checks have been obtained on all employees of the
8 youth serving agency pursuant to section 40-13.2-5.1, and the results of the checks. The criminal
9 records checks will be provided to the applicant for employment without charge.

10 [\(g\) At the conclusion of the criminal background check required by this section, the](#)
11 [attorney general, the state police, or local police department shall promptly destroy the fingerprint](#)
12 [record of the applicant obtained pursuant to this section.](#)

13 **40-13.2-5.2. Criminal records check -- Employees of the department of children,**
14 **youth and families. --** (a) Any person seeking employment with the department of children,
15 youth and families, [if that employment involves supervisory or disciplinary power over a child or](#)
16 [children or involves routine contact with a child or children without the presence of other](#)
17 [employees,](#) shall apply to the bureau of criminal identification (BCI), department of attorney
18 general, state police, or local police department where the applicant resides, for a national and
19 state criminal records check. The check shall conform to the applicable federal standards
20 including the taking of fingerprints to identify the applicant. The director shall determine by rule
21 those items of information appearing on a criminal records check which constitute disqualifying
22 information because the information would indicate that employment could endanger the health
23 or welfare of a child or children and would be inconsistent with the purpose and intent of the
24 department of children, youth and families.

25 (b) ~~The department of attorney general, the state police or the local police department~~
26 ~~shall forward the results of the nationwide and state criminal record checks, including the nature~~
27 ~~of any criminal record, on the individual to the individual and to the department of children,~~
28 ~~youth and families. Upon the discovery of any disqualifying information with respect to an~~
29 ~~applicant, the department of children, youth and families shall inform the applicant of the~~
30 ~~disqualifying information.~~ [Upon the discovery of any disqualifying information as defined in](#)
31 [accordance with the rules promulgated by the director, the bureau of criminal identification of the](#)
32 [state police or the attorney general's office shall inform the applicant, in writing, of the nature of](#)
33 [the disqualifying information. In addition, the bureau of criminal identification of the attorney](#)
34 [general's office shall inform the department in writing, without disclosing the nature of the](#)

1 disqualifying information, that an item of disqualifying information has been discovered.

2 (c) An applicant against whom disqualifying information has been found may request that
3 a copy of the criminal background report be sent to the department which shall make a judgment
4 regarding the continued employment of the applicant.

5 (d) In those situations in which no disqualifying information has been found, the bureau
6 of criminal identification of the attorney general's office shall inform both the applicant and the
7 department in writing of this fact.

8 ~~(e)~~(e) The cost of criminal record checks required by this section for ~~individuals who are~~
9 ~~not currently employed by the State of Rhode Island shall be the responsibility of the applicant.~~
10 ~~The cost of criminal records checks required by this section for individuals who are currently~~
11 ~~employed by the State of Rhode Island~~ applicants and employees shall be the responsibility of the
12 department of children, youth and families.

13 ~~(d)~~(f) Any individual required to submit to a criminal background check, state and/or
14 federal, under subsection (a) above who has submitted to a criminal background check conducted
15 within the previous six (6) months in accordance with section 14-1-34 and/or section 15-7-11
16 and/or sections 40-13.2-2, 40-13.2-4, 40-13.2-5, and/or section 40-13.2-9, shall be exempt from
17 an additional check but shall request the department of attorney general, the state police or the
18 local police department which conducted the check forward the results, including the nature of
19 the criminal record, to the department of children, youth and families.

20 (g) 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 SECTION 8. Sections 40.1-25.1-1 and 40.1-25.1-5 of the General Laws in Chapter 40.1-
24 25.1 entitled "Employee Criminal Records Check" are hereby amended to read as follows:

25 **40.1-25.1-1. Purpose.--** In order to provide protection for persons residing in or
26 receiving services from facilities, programs or agencies licensed, funded and/or operated by the
27 department of mental health, retardation, and hospitals, all persons eighteen (18) years or older, as
28 further defined in § 40.1-25.1-3 seeking employment in any facility or program licensed, funded
29 and/or operated by the department shall be required to undergo a national criminal background
30 check for the purpose of determining whether the prospective employee has been convicted of a
31 crime that bears upon his or her fitness to have the responsibility for the safety and well-being of
32 persons residing in or receiving services from facilities, programs or agencies licensed, funded
33 and/or operated by the department.

34 **40.1-25.1-5. Destruction of fingerprint records. --** At the conclusion of any background

1 check required by this chapter, the state police or the local police department will promptly
2 destroy the fingerprint ~~card~~ record of the applicant.

3 SECTION 9. Section 45-2-3.3 of the General Laws in Chapter 45-2 entitled "General
4 Powers" is hereby amended to read as follows:

5 **45-2-3.3. Background checks.** – (a) Notwithstanding any law to the contrary, any
6 municipal recreation department may request a background check from their local police
7 department for any employee or volunteer serving their community.

8 (b) The applicant shall apply to the bureau of criminal identification for a criminal
9 records background check. Upon the discovery of any disqualifying information, the bureau of
10 criminal identification shall inform the applicant in writing of the nature of the disqualifying
11 information; and, without disclosing the nature of the disqualifying information shall notify the
12 municipal recreation department in writing that disqualifying information has been discovered.

13 (c) An applicant against whom disqualifying information has been found may request that
14 a copy of the criminal background report be sent to the municipal recreation department. The
15 municipal recreation department shall make a judgment regarding the continued employment or
16 volunteerism of the applicant.

17 (d) In those situations in which no disqualifying information has been found, the bureau
18 of criminal identification of the attorney general's office shall inform both the applicant and the
19 municipal recreation department in writing of this fact.

20 (e) For purposes of this section, "disqualifying information" means those offenses listed
21 in § 23-17-37, and those offenses listed in §§ 11-37-8.1 and 11-37-8.3.

22 (f) The criminal records check shall be provided to the applicant without charge.

23 SECTION 10. This act shall take effect upon passage.

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LC003511
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- CRIMINAL RECORD
BACKGROUND CHECKS

1 This act would make changes to how information contained within criminal background
2 checks made because of employment is disseminated and disclosed. It would also provide that in
3 most instances, criminal background checks would be provided to the applicant without charge
4 further, the act would also provide for the prompt destruction of fingerprint records made for
5 employment background checks.

6 This act would take effect upon passage.

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