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## **News and Legislation Relating to Employment and Background Checks**

### **News and Federal Legislation:**

#### **Background Checks**

- On May 13<sup>th</sup>, Rep. Bobby Scott (D-VA) introduced a bill (H.R. 5300) that would direct the Attorney General to establish and enforce procedures that would ensure the prompt and accurate release of records and information exchanged for employment-related criminal history background checks. The bill would require the Attorney General, in response to a request from a prospective employer, to correct or make deletions to inaccurate records, to complete or verify records that are incomplete or cannot be verified, and to notify each appropriate reporting jurisdiction if these two actions occur. The bill would also provide the opportunity for applicants to review the records in order to challenge their accuracy and completeness. ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h5300ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h5300ih.txt.pdf))

### **State Legislation:**

#### **Background Checks**

- On May 26<sup>th</sup>, Colorado enacted a bill (H.B. 1106, previously reported) that requires group home parents and any person working in a 24-hour childcare facility to submit to a FBI fingerprint-based criminal history records check through the Colorado Bureau of Investigation. ([http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B2E60360E44D9353872576A80026BEF8?Open&file=1106\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2010A/csl.nsf/fsbillcont3/B2E60360E44D9353872576A80026BEF8?Open&file=1106_enr.pdf))
- On May 25<sup>th</sup>, the Michigan Senate passed a bill (S.B. 1255) that would provide that a psychiatric facility or intermediate care facility for people with mental retardation must conduct criminal history background checks on applicants with direct access to patients. (<http://www.legislature.mi.gov/documents/2009-2010/billengrossed/Senate/pdf/2010-SEBS-1255.pdf>)
- On May 25<sup>th</sup>, the Michigan Senate passed a bill (S.B. 1254) that would require adult foster care facilities to conduct criminal history background checks for contractors or employees with direct access to patients. (<http://www.legislature.mi.gov/documents/2009-2010/billengrossed/Senate/pdf/2010-SEBS-1254.pdf>)
- On May 20<sup>th</sup>, Maryland enacted a bill (H.B. 1064) that requires applicants for a license to practice psychology to submit to a criminal history background check to be conducted by the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and the Federal Bureau of Investigation. The bill requires applicants to submit to the criminal history background checks at their own expense. (<http://mlis.state.md.us/2010rs/bills/hb/hb1064t.pdf>)
- On May 20<sup>th</sup>, the Michigan House passed a bill (H.B. 5244) that would require day care aids and relative care providers to submit to criminal history background checks to be performed by the Department of State Police. (<http://www.legislature.mi.gov/documents/2009-2010/billengrossed/House/pdf/2009-HEBH-5244.pdf>)
- On May 19<sup>th</sup>, the South Carolina House passed a bill (S.B. 1078, previously reported) that would require



applicants for nursing home or community residential care facility licenses to undergo a criminal history background check.

([http://www.scstatehouse.gov/sess118\\_2009-2010/bills/1078.htm](http://www.scstatehouse.gov/sess118_2009-2010/bills/1078.htm))

- On May 13<sup>th</sup>, the Delaware legislature passed a bill (S.B. 122) that would require all Delaware Psychiatric Center employees providing direct care to patients to be subject to a criminal history background check and drug test. Criminal history background checks would be performed by the State Bureau of Identification, and paid for by the Department of Health and Human Services.  
([http://legis.delaware.gov/LIS/lis145.nsf/vwLegislation/SB+122/\\$file/legis.html?open](http://legis.delaware.gov/LIS/lis145.nsf/vwLegislation/SB+122/$file/legis.html?open))
- On May 11<sup>th</sup>, South Carolina enacted a bill (S.B. 907, previously reported) that requires a person seeking EMT certification to undergo a criminal history background check.  
([http://www.scstatehouse.gov/sess118\\_2009-2010/bills/907.htm](http://www.scstatehouse.gov/sess118_2009-2010/bills/907.htm))
- On May 7<sup>th</sup>, Hawaii enacted a bill (S.B. 2603) that requires applicants for mortgage loan originators to undergo a criminal history background check.  
([http://www.capitol.hawaii.gov/session2010/Bills/SB2603\\_CD1\\_.pdf](http://www.capitol.hawaii.gov/session2010/Bills/SB2603_CD1_.pdf))
- On May 7<sup>th</sup>, Wisconsin enacted a bill (S.B. 44, previously reported) that requires a court to convey an individual's disqualified status for gun ownership to the U.S. Justice Department, which may use that information only during criminal history background checks conducted when the person seeks to purchase a handgun.  
(<http://www.legis.state.wi.us/2009/data/SB-44.pdf>)
- On April 20<sup>th</sup>, the Louisiana House passed a bill (H.B. 397) that would require criminal history background checks for prospective parents in adoptions.  
(<http://www.legis.state.la.us/billdata/streamdocument.asp?did=694642>)