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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On July 28th, a final rule was published in the Federal Register (75 FR 44656) by the federal banking agencies to implement the National Mortgage Licensing System and Registry. The rule extends the registry requirements to bank employees as mortgage brokers are already required to be licensed by the system. Under the rule, a mortgage loan originator must register names and provide fingerprints for submission to the Federal Bureau of Investigation for a state and national criminal history background check.
(<http://www.gpo.gov:80/fdsys/pkg/FR-2010-07-28/pdf/2010-18148.pdf>)
- On July 20th, the Nuclear Regulatory Commission published a proposed rule in the Federal Register (75 FR 42000) to require research and test reactor licensees to obtain a fingerprint-based criminal history background check before granting unescorted access to facilities.
(<http://www.gpo.gov:80/fdsys/pkg/FR-2010-07-20/pdf/2010-17635.pdf>)

Employment

- On July 22nd, Rep. Sam Graves (R-MO) introduced a bill (H.R. 5836) that would require the Secretary of Homeland Security to conduct a study regarding the E-Verify Program. The study would investigate the number of employers that voluntarily participate in the program, the number of employers required by law to participate, the number of employers that employed unauthorized aliens, whether the E-Verify program could be improved through the use of state-owned or state documents, and information from lost or stolen identities. The study would also make a determination on whether existing legal protections for employers participating in the E-Verify program protect them from civil or criminal liability for the employment of unauthorized aliens.
(http://thomas.loc.gov/cgi-bin/t2GPO/http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h5836ih.txt.pdf)

News and State Legislation:

Background Checks

- On July 20th, New Hampshire enacted a bill (H.B. 1286) that requires nonpublic schools and public academies to obtain criminal history background check records for selected applicants for employment and selected volunteers.
(<http://www.gencourt.state.nh.us/legislation/2010/HB1286.html>)
- On July 14th, Illinois enacted a bill (H.B. 5411, previously reported) that allows the use of private entities to conduct criminal history background checks for violent felony convictions as part of amendments made to the *Medical School Matriculant Criminal History Records Check Act*.
(<http://www.ilga.gov/legislation/publicacts/96/PDF/096-1044.pdf>)
- On July 13th, Missouri enacted a bill (S.B. 940) that would call for the collection of fingerprints of any entity or organization seeking issuance or renewal of Missouri bingo equipment and supplies manufacturer or supplier license to be used for the purpose of criminal history background checks.



<http://www.senate.mo.gov/10info/pdf-bill/perf/SB940.pdf>

- On July 12th, Delaware enacted a bill (S.B. 245) that requires student teacher candidates to undergo a criminal history background check before being placed in a public school.
[http://www.legis.delaware.gov/LIS/lis145.nsf/vwLegislation/SB+245/\\$file/legis.html?open](http://www.legis.delaware.gov/LIS/lis145.nsf/vwLegislation/SB+245/$file/legis.html?open)