

# Legi-Scan Alert™

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## News and Legislation Relating to Employment and Background Checks

### News and Federal Legislation:

#### Background Checks

- On November 13<sup>th</sup>, Department of Homeland Security (DHS) Secretary Janet Napolitano delivered remarks on immigration reform at the Center for American Progress, stating that since 2007 DHS has ended a yearlong backlog of criminal history background checks on applicants for green cards and naturalization. ([http://www.dhs.gov/ynews/speeches/sp\\_1258123461050.shtm](http://www.dhs.gov/ynews/speeches/sp_1258123461050.shtm))
- On November 7<sup>th</sup>, the House passed by a vote of 220-215 a health care reform bill (H.R. 3962). The bill would establish a nationwide program for national and State background checks on direct patient access employees of long-term care facilities and providers. Under the bill, prospective employees would be required to provide fingerprints as part of the background check. ([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h3962ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3962ih.txt.pdf))
- On October 29<sup>th</sup>, U.S. Attorney General Eric Holder delivered remarks before the Tribal Nations Listening Session. Holder announced the allocation of \$295 million in funds, some of which will be used to create sex offender registries to protect children from predators. Also at the session, Associate Attorney General Tom Perelli also highlighted recommendations for the Justice Department to better incorporate Tribal Lands and increase Tribal access to federal criminal history background check databases. (<http://www.justice.gov/ag/speeches/2009/ag-speech-091029.html>)  
(<http://www.justice.gov/asg/speeches/2009/asg-speech-091029.html>)

#### E-Verify

- On October 29<sup>th</sup>, Sen. Jeff Sessions (R-AL) proposed an amendment (S. Amdt. 2710) to a bill (H.R. 3548) that would extend emergency unemployment compensation benefits. The amendment would condition receipt of those benefits on verification of an individual's identity and employment eligibility through the E-Verify program. ([http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2009\\_record&page=S10935&position=all](http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=2009_record&page=S10935&position=all))

### State Legislation:

#### Background Checks

- On November 12<sup>th</sup>, Wisconsin enacted a bill (S.B. 361) that allows a county department or Department of Children and Families (DCF) to make payments to a kinship care relative only for so long as the relative meets conditions for payment eligibility relating to a required criminal history background check performed when a kinship care relative applies for payments to the juvenile court. (<http://www.legis.state.wi.us/2009/data/SB-361.pdf>)
- On November 4<sup>th</sup>, Rhode Island enacted a bill (H.B. 5653) that requires the Department of Health to perform a criminal history background check on prospective administrators of assisted living residences prior to certification. (<http://www.rilin.state.ri.us/BillText/BillText09/HouseText09/H5653Aaa.pdf>)



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- On October 30<sup>th</sup>, the Illinois legislature cleared a bill (H.B. 4638) for the governor's desk that would require prospective employees of private detective agencies, private security contractor agencies, private alarm contractor agencies, fingerprint vendor agencies, or locksmith agencies to provide their name, residence, and to undergo a criminal history background check to be performed by the Illinois State Police in order to obtain a permanent employee registration card from the Department of Financial and Professional Regulation.  
<http://www.ilga.gov/legislation/96/HB/PDF/09600HB4638lv.pdf>
- On October 28<sup>th</sup>, the Rhode Island House passed a bill (S.B. 543) that would require criminal history background checks for employment at adult supportive care homes.  
<http://www.rilin.state.ri.us/BillText/BillText09/SenateText09/S0543.pdf>

