

Legi-Scan Alert™

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5000 Corporate Court, Suite 203

Holtsville, NY 11742

(631) 862-9300

www.carcogroup.com

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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Employment Verification

- On January 30th, Department of Homeland Security Secretary Janet Napolitano announced a departmental review, in conjunction with state and local partners, of the Electronic Employment Verification system (E-Verify). Napolitano will require reviewers to consider methods and strategies towards reducing false positives and negatives in the E-Verify system and investigate the prospect for using biometrics as part of the screening process.

(http://www.dhs.gov/ynews/releases/pr_1233353528835.shtm)

State Legislation:

Background Checks

- On February 12th, the Arkansas legislature cleared a bill (S.B. 142) for the governor's desk that would authorize the Arkansas State Police Automated Fingerprint Identification System to access and use the FBI National Fingerprint File and Interstate Identification Index when the Arkansas Code authorizes a fingerprint-based FBI check for a noncriminal justice purpose and a positive identification based on fingerprints is made.
(<http://www.arkleg.state.ar.us/assembly/2009/R/Bills/SB142.pdf>)
- On February 11th, the Mississippi Senate passed a bill (S.B. 2338) that would authorize fingerprinting and criminal history background checks to determine suitability for employment with the emergency services agencies.
(<http://billstatus.ls.state.ms.us/documents/2009/pdf/SB/2300-2399/SB2338PS.pdf>)
- On February 11th, the Wyoming House passed a bill (H.B. 298) that would allow the state board of medicine to conduct criminal history background checks on applicants seeking licensure of certification by the board.
(<http://legisweb.state.wy.us/2009/Engross/HB0298.pdf>)
- On February 10th, the Kansas Senate passed a bill (S.B. 33) that would provide that the emergency medical services board may require an original applicant for licensure to be fingerprinted and submit to a state and national criminal history background check.
(<http://www.kslegislature.org/bills/2010/33.pdf>)
- On February 10th, the Virginia Senate passed a bill (S.B. 1391) that would permit the dissemination of Virginia criminal history information to certain individuals who volunteer in the identification, location, and notification of individuals convicted of crimes prior to the advent of DNA testing and the case files of which have since been found to contain evidence suitable for DNA testing.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+SB1391E+pdf>)
- On February 9th, the Virginia House passed a bill (H.B. 2030) that would repeal a requirement on licensed mortgage lenders and brokers to conduct criminal history background checks on employees who may have



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access to or process personal identifying or financial information from a member of the public and to ensure that their employees are properly trained in applicable state and federal mortgage lending laws and regulations.

(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB2030>)

- On February 9th, the Virginia Senate passed a bill (S.B. 1166) that would increase the fee paid to firearms dealers to perform criminal history background checks from \$2 to \$5 for Virginians and from \$5 to \$8 for persons living out-of-state. The bill would also establish that data and forms submitted to and maintained by the Department of State Police for such criminal history background checks could not be inspected by the general public.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+SB1166>)
- On February 6th, the Utah Senate passed a bill (H.B. 86) that would require criminal history background checks on trainees registered under appraisal provisions.
(<http://le.utah.gov/~2009/bills/hbillint/hb0086.pdf>)
- On February 6th, the North Dakota House passed a bill (H.B. 1437) that would allow the state board of examiners for nursing home administrators to require an applicant for licensure or a licensee to submit to a statewide and nationwide criminal history background check.
(<http://www.legis.nd.gov/assembly/61-2009/bill-text/JBKPO200.pdf>)
- On February 5th, the New Jersey legislature cleared a bill (S.B. 1851) for the governor's desk that would require criminal history background checks for paid firefighters employed by fire districts.
(http://www.njleg.state.nj.us/2008/Bills/S2000/1851_11.PDF)
- On February 5th, the North Dakota Senate passed a bill (S.B. 2123) that would allow the department of human services to require criminal history background checks in certain hiring and licensure circumstances
(<http://www.legis.nd.gov/assembly/61-2009/bill-text/JOUJ0200.pdf>)
- On February 4th, the Idaho Senate passed a bill (S.B. 1012) that would provide for criminal history background checks during the educational certification process.
(*The text of this bill is currently unavailable*)
- On February 3rd, the North Dakota House passed a bill (H.B. 1311) that would specify that the section of existing law governing criminal history records and information does not prohibit the disclosure of a criminal history record by the requester or other person after the dissemination of the record by the Bureau of Criminal Investigation to the requester.
(<http://www.legis.nd.gov/assembly/61-2009/bill-text/JRBK0100.pdf>)
- On February 3rd, the South Dakota House passed a bill (H.B. 1119) that would require criminal history background checks of persons seeking employment with municipalities.
(<http://legis.state.sd.us/sessions/2009/Bills/HB1119P.pdf>)
- On February 3rd, the Wyoming House passed a bill (H.B. 241) that would authorize the Wyoming retirement system to obtain financial and criminal history background checks for employees or applicants.
(<http://legisweb.state.wy.us/2009/Engross/HB0241.pdf>)
- On January 29th, the South Dakota House passed a bill (H.B. 1094) that would require applicants for licensure as real estate brokers, broker associates, salespersons, property managers, residential rental agents, auctioneers, home inspectors, and timeshare agents and such licensees who are the subject of a disciplinary investigation to submit to a state and federal criminal history background check.
(<http://legis.state.sd.us/sessions/2009/Bills/HB1094P.pdf>)



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- On January 29th, the South Dakota Senate passed a bill (S.B. 76) that would require criminal history background checks of certain optometrist licensees and applicants.
(<http://legis.state.sd.us/sessions/2009/Bills/SB76P.pdf>)



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