

# Legi-Scan Alert™

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## News and Legislation Relating to Employment and Background Checks

### News and Federal Legislation:

#### Background Checks

- On March 26<sup>th</sup>, Rep. Mary Bono Mack (R-CA) introduced the *Managing Arson Through Criminal History Act of 2009* (H.R. 1727) that would establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries. The bill would also require the Attorney General to establish a national criminal arsonist and criminal bomber registry program.  
(This bill text is not yet available through the Government Printing Office)
- On March 18<sup>th</sup>, Sen. Herb Kohl (D-WI) introduced the *Patient Safety and Abuse Prevention Act* (S. 631), a bill that would provide for nationwide expansion of the pilot program for national and State criminal history background checks on direct patient access employees of long-term care facilities or providers.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:s631is.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s631is.txt.pdf))
- On March 12<sup>th</sup>, Rep. Adam Schiff (D-CA) introduced a bill (H.R. 1469) that would amend the National Child Protection Act of 1993 to establish a permanent criminal history background check system.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h1469ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1469ih.txt.pdf))
- On March 5<sup>th</sup>, the House Committee on Transportation and Infrastructure reported out by voice vote the *FAA Reauthorization Act of 2009* (H.R. 915). The bill would authorize the FAA Administrator to access the criminal history records or database systems of specified federal law enforcement agencies, but only to protect the safety and security of the national airspace system and not for purposes of a criminal investigation.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h915ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h915ih.txt.pdf))

### State Legislation:

#### Background Checks

- On March 25<sup>th</sup>, Utah enacted a bill (H.B. 142) that permits a person who is hiring an individual to come into the home of an elderly or disabled person to obtain a criminal history background check of the applicant.  
(<http://le.utah.gov/~2009/bills/hbillamd/hb0142.pdf>)
- On March 24<sup>th</sup>, the North Dakota Senate 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/GBKPO400.pdf>)
- On March 23<sup>rd</sup>, the Arkansas Senate passed a bill (S.B. 819) that would improve administrative processes at the department of human services and the department of health to better protect persons who have disabilities, persons who have developmental disabilities, persons who are elderly, and children by consolidating the various processes for conducting criminal history background checks for diverse service providers and their employees.  
(<http://www.arkleg.state.ar.us/assembly/2009/R/Bills/SB819.pdf>)



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- On March 23<sup>rd</sup>, Virginia enacted a bill (S.B. 1391) that permits 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+CHAP0172>)
- On March 20<sup>th</sup>, the New Mexico Senate passed a bill (H.B. 370) that would require criminal history background checks for in order to obtain professional licensure under the Professional Psychologist Act.  
(<http://legis.state.nm.us/Sessions/09%20Regular/bills/house/HB0370.pdf>)
- On March 20<sup>th</sup>, the Idaho Senate passed a bill (H.B. 104) that would require a Domestic Violence Court Coordinator to submit to a fingerprint-based criminal history check.  
(<http://www.legislature.idaho.gov/legislation/2009/H0104.pdf>)
- On March 20<sup>th</sup>, Kentucky enacted a bill (H.B. 401) that makes all applicants for licensure as a real estate broker subject to a national criminal history background check.  
(<http://www.lrc.ky.gov/record/09RS/HB401/bill.doc>)
- On March 20<sup>th</sup>, Utah enacted a bill (H.B. 289) that permits criminal history background checks of volunteers who provide services to vulnerable adults.  
(<http://le.utah.gov/~2009/bills/hbillenr/hb0289.pdf>)
- On March 19<sup>th</sup>, Arkansas enacted a bill (S.B. 330) that requires newborns to be placed in a foster home or in the custody of the Department of Human Services until the proposed adoptive family has completed the adoptive home study process, including the required criminal history background check.  
(<http://www.arkleg.state.ar.us/assembly/2009/R/Acts/Act474.pdf>)
- On March 19<sup>th</sup>, the Maryland House passed a bill (H.B. 549) that would authorize the County Administrative Officer of Baltimore County or a designee of the officer to request from the Central Repository a state and criminal history background check for a prospective or current employee or volunteer of Baltimore County. The bill would also require that the officer or designee submit specified sets of fingerprints and fees to the Central Repository as part of the application for a criminal history background check.  
(<http://mlis.state.md.us/2009rs/bills/hb/hb0549t.pdf>)
- On March 19<sup>th</sup>, the Texas Senate passed a bill (S.B. 71) that would limit paid leave that may be granted to state employees of the health and human services agencies pending the results of a criminal history background check.  
(<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/SB00071E.pdf>)
- On March 19<sup>th</sup>, the Texas Senate passed a bill (S.B. 202) that requires physicians seeking provisional licensing to practice in underserved areas to submit information to enable the board to conduct a criminal history background check.  
(<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/SB00202E.pdf>)
- On March 18<sup>th</sup>, the Oregon House passed a bill (H.B. 2062) that would require school districts to conduct criminal history background checks on applicants.  
(<http://www.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2062.intro.pdf>)
- On March 17<sup>th</sup>, the Iowa House passed a bill (H.B. 505) that would require criminal history background checks for prospective or current volunteers for the Iowa veterans home.



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(<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=BillInfo&Service=Billbook&ga=83&hbill=HF505>)

- On March 16<sup>th</sup>, Virginia enacted a bill (S.B. 1449) that extends the deadline from January 1, 2009 until July 1, 2009 for a person engaging in or offering to engage in towing to apply for a tow truck driver authorization document. The applicant must submit fingerprints and personal descriptive information which shall be sent to the FBI Central Criminal Records Exchange to conduct a criminal history background check.  
(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0164>)
- On March 14<sup>th</sup>, the New Mexico Senate passed a bill (S.B. 488) that would require criminal history background checks of nominees to serve on the state racing commission.  
(<http://www.nmlegis.gov/Sessions/09%20Regular/bills/senate/SB0488.pdf>)
- On March 13<sup>th</sup>, the Kentucky House passed a bill (H.B. 472) that would require applicants for licensure by the Kentucky Horseracing Association to be a thoroughbred steward or standardbred judge to submit to a criminal history background check.  
(<http://www.lrc.ky.gov/record/09RS/HB472/bill.doc>)
- On March 10<sup>th</sup>, the Hawaii Senate passed a bill (S.B. 101) that would authorize counties to conduct criminal history background checks on taxicab drivers and applicants for taxicab driver's certificates.  
([http://www.capitol.hawaii.gov/session2009/Bills/SB101\\_HD1\\_.pdf](http://www.capitol.hawaii.gov/session2009/Bills/SB101_HD1_.pdf))
- On March 10<sup>th</sup>, the Hawaii Senate passed a bill (S.B. 1137) that would authorize the Hawaii Health Systems Corporation to conduct criminal history background checks.  
([http://www.capitol.hawaii.gov/session2009/bills/SB1137\\_HD1\\_.htm](http://www.capitol.hawaii.gov/session2009/bills/SB1137_HD1_.htm))



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