

Legi-Scan Alert™

A Publication of CARCO Group, Inc.

5000 Corporate Court, Suite 203

Holtsville, NY 11742

(631) 862-9300

www.carcogroup.com

April 15, 2009

News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On April 2nd, Rep. Blaine Luetkemeyer (R–MO) introduced the *Electronic Life Safety and Security Systems Federal Background Check Act of 2009* (H.R. 1939), a bill that would direct the Attorney General to establish a system of criminal history background checks for employers and employees of the electronic life safety and security system installation and monitoring industry.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1939ih.txt.pdf)
- On April 1st, the U.S. Small Business Administration published a notice in the *Federal Register* (74 FR 14890) seeking public comment on a new system of records for the Office of the Inspector General for background checks on applicants for SBA loans or other assistance or recognition. Comments must be submitted by April 30, 2009.
(<http://frwebgate5.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=033112203076+0+1+0&WAISaction=retrieve>)
- On March 26th, the Senate passed the *Serve America Act* (H.R. 1388), a bill that would require criminal history background checks to be conducted on any individuals selected to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1388enr.txt.pdf)

State Legislation:

Background Checks

- On April 8th, the Washington Senate passed a bill (H.B. 1621) that would regulate the licensing, education, and criminal background history check standards for consumer loan companies and mortgage loan originators.
(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Bills/1621.pdf>)
- On April 6th, the Iowa Senate passed a bill (H.B. 505) that would require criminal history background checks for prospective or current volunteers for the Iowa veterans home.
(<http://coolice.legis.state.ia.us/CoolICE/default.asp?Category=BillInfo&Service=Billbook&ga=83&menu=text&hbill=HF505>)
- On April 3rd, the Arkansas House passed a bill (H.B. 1385) that would allow the appropriate amount of funds to be distributed to the Arkansas State police to conduct criminal history background checks.
(<http://www.arkleg.state.ar.us/assembly/2009/R/Bills/HB1385.pdf>)
- On April 2nd, the Alabama Senate passed a bill (S.B. 232) that would allow for criminal history background checks of licensees under the *Mortgage Brokers Licensing Act*.
(<http://alisondb.legislature.state.al.us/acas/ViewBillsStatusACASLogin.asp?BillNumber=SB232>)



Better Decisions Through Accurate Information

Copyright CARCO Group, Inc. 2004
All Rights Reserved



Associate Member
National Association
of Professional Employer
Organizations

- On April 2nd, the Alabama Senate passed a bill (S.B. 234) that would allow the State Banking Department to require applicants for licensure to apply to the Nationwide Mortgage Licensing System and Registry as well as submit to criminal history background checks.
(<http://alisondb.legislature.state.al.us/acas/Action%20Item.htm>)
- On April 2nd, the Illinois House passed a bill (H.B. 271) that would provide that no person may serve as a community association manager unless he or she holds a current and valid license and satisfies certain criminal history background check requirements.
(<http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=76&GA=96&DocTypeId=HB&DocNum=0271&GAID=10&LegID=40397&SpecSess=&Session=>)
- On April 2nd, the Texas House passed a bill (H.B. 1830) that would incorporate the Department of Information Resources into existing state law on the disclosure of criminal history background check information that is the subject of an order of nondisclosure.
(<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/HB01830E.pdf>)
- On April 1st, Idaho enacted a bill (H.B. 104) that requires a Domestic Violence Court Coordinator to submit to a fingerprint-based criminal history background check.
(<http://www.legislature.idaho.gov/legislation/2009/H0104.pdf>)
- On April 1st, Idaho enacted a bill (H.B. 126) that requires all applicants for licensure as a veterinarian to submit to a criminal history background check.
(<http://www.legislature.idaho.gov/legislation/2009/H0126.pdf>)
- On April 1st, the Illinois Senate passed a bill (S.B. 1677) that would require the Department of Public Health in collaboration with the Department of State Police to create a task force to examine the process used by State and local governmental agencies to conduct employee criminal history background checks. The bill would also amend existing state law to require a fingerprint-based criminal history background check on child care providers.
(<http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=76&GA=96&DocTypeId=SB&DocNum=1677&GAID=10&LegID=44373&SpecSess=&Session=>)
- On April 1st, the Maryland House passed a bill (H.B. 1521) that would authorize the Secretary of Transportation to request State and national criminal history background checks for prospective and current employees of the Department.
(<http://mlis.state.md.us/2009rs/bills/hb/hb1521t.pdf>)
- On April 1st, New Mexico enacted a bill (H.B. 370) that requires criminal history background checks for professional licensure as a psychologist under the Professional Psychologist Act.
(<http://legis.state.nm.us/Sessions/09%20Regular/final/HB0370.pdf>)
- On March 27th, Virginia enacted a bill (S.B. 1171) that coordinates Virginia actions with the Nationwide Mortgage Licensing System and Registry, a system developed and maintained by the Conference of State Bank Supervisors that includes criminal history background checks and educational requirements.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+CHAP0273+pdf>)
- On March 25th, the Colorado House passed a bill (H.B. 1275) that would allow the Department of Public Health to issue a provisional certification even if the department has not yet received the results of the fingerprint-based criminal history background check.
(http://www.leg.state.co.us/Clis/CLICS2009A/csl.nsf/fsbillcont3/51853336DA2D59A18725754000648C45?Open&file=1275_ren.pdf)



- On March 25th, the Oregon Senate passed a bill (S.B. 94) that would allow the Director of Veterans' Affairs to request fingerprints of certain employees in positions of responsibility over personal information for purpose of conducting criminal history background checks.
(<http://www.leg.state.or.us/09reg/measpdf/sb0001.dir/sb0094.a.pdf>)

E-Verify

- On April 3rd, a Rhode Island Superior Court judge upheld regulations requiring state contractors to use the E-Verify system. The ACLU had unsuccessfully challenged the regulations on a number of procedural and other grounds. Litigation in Rhode Island over E-Verify began last year when the Governor issued an Executive Order requiring use of E-Verify. The Executive Order was supplemented by emergency final regulations to meet procedural concerns raised by the court about the original executive order.
(<http://www.pbn.com/stories/36274.html>; <http://www.courts.state.ri.us/superior/pdf/08-5696-4-3-09.pdf>)
- On April 2nd, the Illinois Senate passed a bill (S.B. 1133) that would set forth certain obligations on employers who choose to participate in the federal E-Verify program. The bill also urges employers, when deciding whether to register with the federal program, to consider first that E-Verify databases contain inaccurate information that prevents the verification of work authorization status of many individuals who are eligible to work, and that employers who use E-Verify are legally obligated to expend resources to resolve situations where E-Verify, due to errors, cannot verify work authorization.
(<http://www.ilga.gov/legislation/96/SB/PDF/09600SB1133lv.pdf>)



Better Decisions Through Accurate Information

Copyright CARCO Group, Inc. 2004
All Rights Reserved



Associate Member
National Association
of Professional Employer
Organizations