

Legi-Scan Alert™

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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On April 23rd, the Department of Homeland Security announced the launch of a new joint initiative between the United States and the Netherlands to open membership in their expedited air travel programs to citizens of both countries in an effort to streamline entry processes for pre-screened fliers. Membership in the U.S. program, Global Entry, is limited to those considered low-risk after a criminal history background check. This arrangement will be the first with a nation outside of North America.
(http://www.dhs.gov/ynews/releases/pr_1240501085368.shtm)
- On April 21st, Sen. Frank R. Lautenberg (D-NJ) introduced a bill (S. 843), entitled the *Gun Show Background Check Act of 2009*. The bill would establish criminal history background check procedures for gun shows as well as increase penalties for violations of background check requirements.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s843is.txt.pdf)
- On April 21st, the President signed into law the *Serve America Act* (H.R. 1388), a bill that requires 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)
- On April 17th, the Nuclear Regulatory Commission (NRC) issued orders in the *Federal Register* (74 FR 17890, 74 FR 17885) to require the First Energy Operating Company and Detroit Edison Company to implement additional security measures and fingerprinting for unescorted access. Employees at these facilities that store spent fuel will be subject to fingerprinting and a criminal history background check.
(<http://edocket.access.gpo.gov/2009/pdf/E9-8827.pdf>)
(<http://edocket.access.gpo.gov/2009/pdf/E9-8826.pdf>)
- On April 14th, the NRC issued a notice of proposed rulemaking in the *Federal Register* (74 FR 17115) to establish basic requirements for NRC research and test reactor licensees to obtain fingerprint-based criminal history background checks on individuals having unescorted access to facilities.
(<http://edocket.access.gpo.gov/2009/pdf/E9-8461.pdf>)
- On April 10th, the House Committee on Oversight and Government Reform sent a letter to the Office of Personnel Management (OPM) seeking a formal briefing on criminal history background checks preformed on prospective federal employees due to recent allegations that a number of these security clearances have been falsified by the OPM and affiliated contractors.
(<http://federalworkforce.oversight.house.gov/documents/20090424163741.pdf>)



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State Legislation:

Background Checks

- On April 27th, Oklahoma enacted a bill (H.B. 2087) that allows municipal fire departments to conduct national criminal history background checks on applicants for paid positions.
(http://webserver1.lsb.state.ok.us/2009-10HB/HB2087_int.rtf)
- On April 26th, the Washington legislature cleared a bill (S.B. 6180) for the governor's desk that would permit the department of social and health services and the department of health to conduct criminal history background checks on long-term care workers.
(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate%20Passed%20Legislature/6180-S.PL.pdf>)
- On April 24th, the Florida Senate passed a bill (S.B. 1986) that would require pharmacy employers to sign an affidavit annually at the time of licensure renewal stating that all covered employees have been subject to a criminal history background check or are newly hired and awaiting the results.
(<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s1986e2.pdf>)
- On April 24th, Iowa enacted a bill (H.B. 505) that requires 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 24th, the North Dakota legislature cleared a bill (H.B. 1437) for the governor's desk 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 state and national criminal history background checks.
(<http://www.legis.nd.gov/assembly/61-2009/bill-text/JBKP0400.pdf>)
- On April 22nd, the Texas Senate passed a bill (S.B. 1061) that would require certain Texas counties to develop plans to improve their level of disposition reporting to the state criminal history repository.
(<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/SB01061E.pdf>)
- On April 22nd, Washington enacted a bill (H.B. 1844) that requires criminal history background checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identification cards.
(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Bills/1844.pdf>)
- On April 22nd, the Governor of Nebraska signed into law a bill (L.A. 328) that appropriates funds for the licensing registry of mortgage loan originators and implements provisions requiring for fingerprinting and criminal history background checks for licensees.
(<http://www.unicam.state.ne.us/FloorDocs/Current/PDF/Final/LB328.pdf>)
- On April 21st, Washington enacted a bill (H.B. 1435) that requires criminal history background checks of applicants for a tobacco retailer license.
(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Passed%20Legislature/1435-S.PL.pdf>)
- On April 21st, North Dakota enacted a bill (H.B. 1263) that requires criminal history background checks of applicants under consideration as an employee at an assisted living facility.
(<http://www.legis.nd.gov/assembly/61-2009/bill-text/JBHA0300.pdf>)
- On April 18th, Washington House passed a bill (H.B. 2068) that would revise provisions relating to investigations and criminal history background checks of



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persons working with vulnerable populations. Under the bill, concurrent responsibility would be granted to the department of health and the department of social and health services to determine suitability for employment, based on qualifying crimes.

(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/House%20Bills/2068.pdf>)

- On April 17th, Washington enacted a bill (H.B. 1621) that regulates the licensing, education, and criminal history background 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 16th, North Dakota enacted a bill (H.B. 1311) that specifies 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 April 16th, the Tennessee House passed a bill (H.B. 347) that would authorize a city or county to conduct a criminal history background check on an applicant for a beer permit.
(<http://www.capitol.tn.gov/Bills/106/Bill/HB0347.pdf>)
- On April 16th, the Texas Senate passed a bill (S.B. 2163) that would permit the Texas Veterans Commission (TVC) to conduct criminal history background checks on employees, applicants, consultants, interns, volunteers, contractors, or subcontractors of the TVC.
(<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/SB02163E.pdf>)
- On April 14th, the California Senate passed a bill (S.B. 160) that would require independent youth athletic teams to perform criminal history background checks on coaches.
(http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0151-0200/sb_160_bill_20090214_introduced.pdf)
- On April 14th, the Connecticut House passed a bill (H.B. 6235) that would provide the Department of Children and Families with access to the federal Interstate Identification Index, including criminal history background check information, in circumstances involving the emergency placement of children.
(<http://www.cga.ct.gov/2009/TOB/H/2009HB-06235-R00-HB.htm>)
- On April 13th, the Maryland Senate passed a bill (H.B. 1385) that would require the Criminal Justice Information System Central Repository to provide a revised statement to the Department of Juvenile Services and to the Department's employee if there are any changes in the employee's criminal history after the initial criminal history background check.
(<http://mlis.state.md.us/2009rs/bills/hb/hb1385t.pdf>)
- On April 13th, the Maryland Senate 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 9th, the Tennessee Senate passed a bill (H.B. 254) that would remove current requirements that a purchaser of a firearm give a thumbprint as part of a criminal history background check process and that the Tennessee Bureau of Investigation furnish thumbprint cards and pads to firearm dealers.
(<http://www.capitol.tn.gov/Bills/106/Bill/HB0254.pdf>)
- On April 9th, Washington enacted a bill (H.B. 1280) that requires criminal history background checks of applicants for an explosives license.
(<http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1280-S.SL.pdf>)



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- On April 8th, the West Virginia House passed a bill (S.B. 532) that would require applicants for licensure as a mortgage lender or broker to submit to a criminal history background check.
(<ftp://www.legis.state.wv.us/publicdocs/2009/RS/Senate/SB500-599/SB532%20SUB2%20enr.wpd>)
- On April 1st, the Alabama House passed a bill (H.B. 571) that would require an applicant for admission to a teacher preparation program to complete a criminal history background check.
(<http://alisondb.legislature.state.al.us/acas/searchableinstruments/2009rs/bills/hb571.htm>)
- On March 31st, the Indiana House passed a bill (H.B. 1462) that would require an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate.
(<http://www.in.gov/legislative/bills/2009/PDF/HE/HE1462.1.pdf>)
- On March 27th, Virginia enacted a bill (H.B. 2031) that requires applicants for licensure as a mortgage loan originator to undergo criminal history background checks.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB2031ER+pdf>)



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