

Legi-Scan Alert™

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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Check

- On May 27th, the Nuclear Regulatory Committee (NRC) published a proposed agreement between the NRC and New Jersey in the *Federal Register* (74 FR 25283) approving fingerprint and criminal history background check requirements of licensees for risk significant radioactive materials.
(<http://www.gpo.gov/fdsys/pkg/FR-2009-05-27/pdf/E9-12260.pdf>)
- On May 26th, the National Oceanic and Atmospheric Administration (NOAA) published a notice in the *Federal Register* (74 FR 34798) announcing that applicants for membership on the Hydrographic Services Review Panel must undergo a criminal history background check and fingerprinting conducted through NOAA Workforce Management.
(<http://www.gpo.gov/fdsys/pkg/FR-2009-05-26/pdf/E9-12066.pdf>)
- On May 22nd, the Nuclear Regulatory Commission published an order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information in the *Federal Register* (74 FR 24044) requiring any entity seeking access to sensitive unclassified non-safeguarded information and safeguarded information from the Watts Bar Nuclear Power Plant (TN) to undergo a fingerprint based criminal history background check.
(<http://www.gpo.gov/fdsys/pkg/FR-2009-05-22/pdf/E9-11903.pdf>)
- On May 18th, the Department of Energy (DOE) published a final rule in the *Federal Register* (74 FR 23120) that revises the DOE Acquisition Clause for contracts and subcontracts to require criminal history background checks for employment applicants and uncleared personnel who will require access authorizations to classified information or quantities of special nuclear material.
(<http://www.gpo.gov/fdsys/pkg/FR-2009-05-18/pdf/E9-11522.pdf>)
- On May 13th, Rep. Carolyn McCarthy (D-NY) introduced the *No Fly, No Buy Act of 2009* (H.R. 2401), a bill that would seek to increase public safety and reduce the threat to domestic security by adding those persons who may be prevented from boarding an aircraft into the National Instant Criminal Background Check System.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h2401ih.txt.pdf)

State Legislation:

Background Check

- On May 21st, Colorado enacted a bill (H.B. 1085) that revises requirements for criminal history background checks on applicants for licensure in conjunction with the Secure and Fair Credit Enforcement for Mortgage Licensing Act of 2008.



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http://www.leg.state.co.us/Clics/CLICS2009A/csl.nsf/fsbillcont3/8538D858778CAB9F87257537001D21D9?Open&file=1085_enr.pdf

- On May 21st, Kansas enacted a bill (S.B. 33) that provides 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 May 21st, Minnesota enacted a bill (S.B. 722) that would require that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal History Background Check System.
<http://wdoc.house.leg.state.mn.us/leg/LS86/HF0722.1.pdf>
- On May 19th, Colorado enacted a bill (H.B. 1275) that allows 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/Clics/CLICS2009A/csl.nsf/fsbillcont3/51853336DA2D59A18725754000648C45?Open&file=1275_enr.pdf
- On May 19th, the Louisiana House passed a bill (H.B. 703) that would authorize the Department of Social Services to conduct criminal history background checks on foster and adoptive parent applicants and adult members of foster and adoptive parent households; parents of whose children who have been removed from their custody; parents or caretakers involved in investigations of abuse or neglect; and potential caretakers of a child who is either in the custody of the department, or is the subject of an investigation of abuse or neglect, or is or has been receiving services through the office of community services; and potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child.
<http://www.legis.state.la.us/billdata/streamdocument.asp?did=654033>
- On May 19th, Maryland enacted a bill (H.B. 1385) that requires 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/hb1385e.pdf>
- On May 19th, Maryland enacted a bill (H.B. 1521) that authorizes 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 May 19th, Oregon enacted a bill (H.B. 782) that directs the Department of Public Safety to assist private sellers of firearms by providing information about how to obtain criminal history background checks on private gun purchasers.
http://www.mainelegislature.org/legis/bills/bills_124th/chappdfs/RESOLVE53.pdf
- On May 19th, Texas enacted a bill (S.B. 2163) that authorizes the Texas Veteran's Commission to obtain criminal history background checks on employees, applicants, interns, volunteers, consultants and contractors.
<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/SB02163F.pdf>
- On May 15th, the Texas House passed a bill (H.B. 2917) that would authorize the Department of State Health Services to obtain criminal history background check information for applicants for employment at the Texas Center for Infectious Disease and the South Texas Healthcare System.



<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/HB02917E.pdf>

- On May 14th, the Illinois House 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=09600SB1677eng&GA=96&SessionId=76&DocTypeID=SB&LegID=44373&DocNum=1677&GAID=10&Session=>
- On May 14th, the Oregon House 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.en.pdf>
- On May 14th, the Oregon Senate passed a bill (H.B. 2187) that would allow the Oregon Youth Authority to require fingerprints from applicants to operate youth offender foster home or from members of the applicant's households for purposes of a criminal history background check.
<http://www.leg.state.or.us/09reg/measpdf/hb2100.dir/hb2187.en.pdf>
- On May 14th, the Oregon Senate passed a bill (H.B. 2224) that would broaden the authority of the State Department of Fish and Wildlife to require fingerprinting for the purpose of conducting state or national criminal history background checks.
<http://www.leg.state.or.us/09reg/measpdf/hb2200.dir/hb2224.intro.pdf>
- On May 14th, the Tennessee House passed a bill (H.B. 93) that would require criminal history background checks to be conducted for direct care employees "prior to employment" instead of "prior to employment or within seven days of employment".
<http://www.capitol.tn.gov/Bills/106/Bill/HB0093.pdf>
- On May 14th, the Tennessee Senate 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 May 13th, the Connecticut Senate passed a bill (S.B. 876) that would require criminal history background checks for employees of nursing home facilities who have direct and ongoing contact with residents.
<http://www.cga.ct.gov/2009/TOB/S/2009SB-00876-R00-SB.htm>
- On May 13th, the North Carolina Senate passed a bill (S.B. 262) that would require a state government agency to forward notice of expunction orders received by the agency to any private entity that disseminates criminal history background check records for compensation.
<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S262v3.pdf>
- On May 6th, the Texas Senate passed a bill (H.B. 1858) that would allow for the disclosure of criminal history background check results of public school employees to the subject of the search, the Texas Education Agency, or the local regional education entity.
<http://www.legis.state.tx.us/tlodocs/81R/billtext/pdf/SB01858H.pdf>
- On April 14th, the Hawaii House passed a bill (S.B. 1673) that would authorize criminal history background checks for persons who are employed or seeking employment, or are current or prospective contractors, providers, or volunteers in any of Hawaii health systems corporation's health facilities.
http://www.capitol.hawaii.gov/session2009/Bills/SB1673_CD1_.HTM



E-Verify

- On May 13th, the Illinois House 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 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>



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