

Legi-Scan Alert™

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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On June 26th, Rep. John Lewis (D-GA) introduced the *National Parents Corps Act of 2009* (H.R. 3075), a bill that would establish a National Parents Corps Program. Under the bill, any individual interested in being a Parent Leader would be subject to a fingerprint-based criminal history background check. (http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3075ih.txt.pdf)
- On June 25th, Sen. Mary Landrieu (D-LA) introduced the *Foreign Adopted Children Equality Act* (S. 1359) that would require parents seeking to adopt a foreign child to pass a criminal history background check. (http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s1359is.txt.pdf)

E-Verify

- On July 9th, the Senate passed by a vote of 84-6 the Homeland Security appropriations bill (H.R. 2892) that would make permanent the E-Verify program. The bill passed with a number of other Republican amendments that also strengthen E-Verify, such as an amendment by Sen. David Vitter (R-LA) to prohibit any amendments to a final rule that would hold employers accountable if they hire illegal aliens. (<http://www.digitaljournal.com/article/275736>)
- On July 8th, Department of Homeland Security (DHS) Secretary Janet Napolitano issued a statement in support of a regulation that will award federal contracts only to those employers who use E-Verify to check employee work authorization. The Obama Administration will fully implement the rule on September 8, 2009. Napolitano also announced DHS' intent to end the Social Security No-Match Rule, which was never implemented due to various court orders, to be replaced by the E-Verify system. (http://www.dhs.gov/ynews/releases/pr_1247063976814.shtm)

State Legislation:

Background Checks

- On July 8th, Delaware enacted a bill (S.B. 114) that authorizes the Family Court to conduct national criminal history background checks in civil proceedings involving minor children. ([http://legis.delaware.gov/LIS/lis145.nsf/vwLegislation/SB+114/\\$file/legis.html?open](http://legis.delaware.gov/LIS/lis145.nsf/vwLegislation/SB+114/$file/legis.html?open))
- On July 8th, Louisiana enacted a bill (H.B. 806) that authorizes the Board of Nursing Facility Administrators to conduct criminal history background checks on applicants for issuance or reinstatement of any license, reciprocity request, or any other designation deemed necessary to become a nursing home administrator. Also, any information contained within the criminal history background check that is not already public shall be kept confidential. (<http://www.legis.state.la.us/billdata/streamdocument.asp?did=665516>)
- On July 8th, Missouri enacted a bill (H.B. 382) that provides for fingerprint-based criminal history background checks for mortgage loan originators. (<http://www.house.mo.gov/billtracking/bills091/billpdf/truly/HB0382T.PDF>)



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- On July 7th, Louisiana enacted a bill (H.B. 453) that requires an applicant for a medical exemption for tinted windows with the Department of Public Safety and Corrections to pass successfully a fingerprint-based criminal history background check.
(<http://www.legis.state.la.us/billdata/streamdocument.asp?did=668174>)
- On July 6th, the North Carolina House passed a bill (S.B. 584) that would require a criminal history background check on applicants for licensure with the Private Protective Service Board.
(<http://www.ncga.state.nc.us/Sessions/2009/Bills/Senate/HTML/S584v4.html>)
- On July 1st, the Arizona legislature cleared a bill (H.B. 2143) for the governor's desk that would require criminal history background checks of mortgage loan originators.
(<http://www.azleg.gov/legtext/49leg/1r/bills/hb2143s.pdf>)`
- On July 1st, Tennessee enacted a bill (H.B. 2249) that requires courts to collect information regarding individuals who have been adjudicated as mentally defective or judicially committed to a mental institution for the purpose of complying with the *National Instant Criminal Background Check System Improvement Amendments Act*.
(<http://www.capitol.tn.gov/Bills/106/Bill/HB2249.pdf>)
- On June 30th, Louisiana enacted a bill (H.B. 703) that authorizes the Department of Social Services to conduct criminal history background checks on foster and adoptive parent applicants and adult members living in those households.
(<http://www.legis.state.la.us/billdata/streamdocument.asp?did=667509>)
- On June 25th, Oregon enacted a bill (H.B. 2217) that permits the State Parks and Recreation Department to require fingerprint-based criminal history background checks on employees who have key access to certain buildings and grounds as well as holders of licenses or applicants for licensure with the Department.
(<http://www.leg.state.or.us/09reg/measpdf/hb2200.dir/hb2217.en.pdf>)
- On June 25th, Oregon enacted a bill (H.B. 2987) that requires the Child Care Division of the Employment Department to record the criminal history background checks of staff and volunteers at school-age recorded program. The law also states that a person may not operate a school-age recorded program unless criminal history background checks have been recorded for all staff and volunteers.
(<http://www.leg.state.or.us/09reg/measpdf/hb2900.dir/hb2987.en.pdf>)
- On June 24th, the New Hampshire legislature cleared a bill (H.B. 334) for the governor's desk that would allow the bank commissioner to expand criminal history background checks for certain retail sellers, mortgage loan servicers, debt adjustment services personnel, and money transmitters.
(<http://www.gencourt.state.nh.us/legislation/2009/HB0334.html>)
- On June 23rd, Tennessee enacted a bill (S.B. 2279) that requires fingerprint-based criminal history background checks of mortgage loan originators.
(<http://www.capitol.tn.gov/Bills/106/Bill/SB2279.pdf>)
- On May 26th, the California Assembly passed a bill (A.B. 1025) that would provide that if an application for licensure is denied due to the findings from a state or federal criminal history background check, the Teacher Credentialing and Activity Supervisor Clearance Certificate shall provide the individual with a copy of the criminal history background check search response, in a manner that protects confidentiality and privacy, upon a written request for a copy.
(http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1001-1050/ab_1025_bill_20090518_amended_asm_v96.html)



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