

# Legi-Scan Alert™

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## News and Legislation Relating to Employment and Background Checks

### News and Federal Legislation:

#### Background Checks

- On June 25<sup>th</sup>, Sen. Charles Schumer (D-NY) introduced the *Child Protection Improvements Act of 2009* (S. 1365), a bill that would amend the *National Child Protection Act of 1993* to establish a permanent criminal history background check system so that a wide range of youth-serving organizations have affordable and timely access to nationwide criminal history background checks.  
([http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:s1365is.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s1365is.txt.pdf))

### State Legislation:

#### Background Checks

- On August 11<sup>th</sup>, the North Carolina legislature cleared a bill (S.B. 262) for the governor's desk that would require a state government agency to forward any notice to expunge an individual's record to any private entity that disseminates criminal history background checks for compensation that is licensed by the agency to access the agency's criminal history database. The bill would also require any privacy entity that disseminates criminal history records to update those histories before disseminations or be subject to civil penalties.  
(<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S262v6.pdf>)
- On August 11<sup>th</sup>, the North Carolina legislature cleared a bill (H.B. 1166) for the governor's desk that would require an applicant for an insurance producer license to provide fingerprints that would be used for a criminal history background check.  
(<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1166v6.pdf>)
- On August 7<sup>th</sup>, Illinois enacted a bill (S.B. 1408) that requires a person, firm, corporation, or other entity that owns or operates a carnival or fair to conduct a criminal history records check and perform a check of the National Sex Offender Public Registry for workers that are hired and must continue to conduct records checks annually with an exemption for those persons under continual employment with the carnival.  
(<http://www.ilga.gov/legislation/96/SB/PDF/09600SB1408lv.pdf>)
- On August 6<sup>th</sup>, the North Carolina Senate passed a bill (H.B. 1637) that would require criminal history background checks on employees of precious metal dealers.  
(<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1637v4.pdf>)
- On August 5<sup>th</sup>, California enacted a bill (S.B. 447) that requires a custodian of records to establish, implement, and maintain a confirmation program to process fingerprint-based criminal history background checks and to act as a contact for the Department of Justice.  
([http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb\\_0401-0450/sb\\_447\\_bill\\_20090806\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0401-0450/sb_447_bill_20090806_chaptered.pdf))
- On July 31<sup>st</sup>, North Carolina enacted a bill (H.B. 1523) that requires individuals who have applied for mortgage loan originator licenses to be subject to a fingerprint-based criminal history background check.  
(<http://www.ncleg.net/Sessions/2009/Bills/House/PDF/H1523v6.pdf>)



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- On July 29<sup>th</sup>, the North Carolina House passed a bill (S.B. 458) that would require an applicant for licensure or an individual renewing a license as a bail bondsman or runner to undergo a criminal history records check.  
(<http://www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S458v6.pdf>)
- On July 29<sup>th</sup>, New Hampshire enacted a bill (H.B. 610) that requires criminal history background checks of mortgage loan originators prior to licensing.  
(<http://www.gencourt.state.nh.us/legislation/2009/hb0610.html>)
- On July 28<sup>th</sup>, California enacted a bill (A.B. 19) that requires criminal history background checks to be performed for home supportive service (IHSS) providers as a condition of IHSS enrollment.  
([http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0001-0050/abx4\\_19\\_bill\\_20090728\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx4_19_bill_20090728_chaptered.pdf))
- On July 28<sup>th</sup>, Massachusetts enacted a bill (H.B. 4140) that allows children's camps and schools to conduct criminal history background checks on climbing wall instructors.  
(<http://www.mass.gov/legis/bills/house/186/ht04pdf/ht04140.pdf>)



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