047011100

4/29/11 10:50

1   **SENATE BILL NO. 634**

2   Offered January 22, 2004

3   *A BILL to amend the Code of Virginia by adding in Chapter 10 of Title 52 a section numbered 52-46,*

4   *relating to applicant fingerprint database; maintenance; dissemination; penalty.*

5   ———————

Patrons—Saslaw, Colgan, Howell, Lambert, Newman, Puller, Stolle, Ticer, Whipple and Williams;
Delegates: Ebbin, Eisenberg, Moran, Petersen, Plum, Sickles and Watts

6   ———————

7   Referred to Committee on Transportation

8   ———————

9   **Be it enacted by the General Assembly of Virginia:**

10   **1. That the Code of Virginia is amended by adding in Chapter 10 of Title 52 a section numbered**

11   **52-46 as follows:**

12   *§ 52-46. Applicant Fingerprint Database; maintenance; dissemination; penalty.*

13   *A. The Department of State Police shall keep and maintain an Applicant Fingerprint Database*

14   *separate and apart from all other records maintained by the Department. The purpose of the database*

15   *shall be to allow those agencies and entities who require a criminal background check as a condition of*

16   *licensure, certification, employment, or volunteer service to be advised when an individual subject to*

17   *such screening is arrested for, or convicted of, a criminal offense which would disqualify that individual*

18   *from licensure, certification, employment or volunteer service with that entity.*

19   *B. As used in this section:*

20   *"Participating entity" means an agency or organization that requires a fingerprint background check*

21   *as a condition of licensure, certification, employment, or volunteer service, and that has elected to*

22   *participate in the database.*

23   *"Individual" means any person who has submitted fingerprints to a participating entity in order to be*

24   *licensed, certified, employed, or to perform volunteer service with that entity.*

25   *C. The Department of State Police shall notify forthwith the participating entity that employs,*

26   *certifies, licenses, or accepts the volunteer services of an individual whose prints are maintained in the*

27   *database upon receipt of a report that the individual has been arrested for or convicted of an offense*

28   *that would disqualify that individual from licensure, certification, employment or volunteer service with*

29   *that entity. The information contained in the notification shall be used by the entity for purposes of*

30   *determining the eligibility of the continued service of the individual and shall not be further*

31   *disseminated.*

32   *D. Use of the information contained in the database or received from the database for purposes not*

33   *authorized by this section is prohibited, and a willful violation of this section with the intent to harass*

34   *or intimidate another shall be punished as a Class 1 misdemeanor.*

35   *E. No liability shall be imposed upon any law-enforcement official who disseminates information or*

36   *fails to disseminate information in good faith compliance with the requirements of this section, but this*

37   *provision shall not be construed to grant immunity for gross negligence or willful misconduct.*

38   *F. The Department of State Police shall promulgate regulations governing the operation and*

39   *maintenance of the database and the expungement of records on persons who are deceased, or who are*

40   *no longer employed, licensed, certified, or in volunteer service for the entity that submitted the*

41   *fingerprints.*

42   *G. The Department of State Police may charge an annual fee not to exceed $10 per individual*

43   *entered into the database. The fee shall be paid no later than July 15 of each year by the participating*

44   *entity or entities submitting fingerprints to the database or by the entity or entities requesting*

45   *notification regarding an individual. An individual whose licensure, certification, employment, or*

46   *volunteer service moves from one entity to another need not be reprinted. When more than one*

47   *participating entity licenses, certifies, employs, or accepts the volunteer services of an individual in the*

48   *database, both entities shall be responsible for paying the full cost for maintenance and notification.*

49   *Any fees collected shall be deposited in a special account to be used to offset the costs of enhancing*

50   *and administering the database.*

51   *H. The Department of State Police shall make the database available no later than January 1, 2005,*

52   *unless funds necessary to develop and operate the database are unavailable.*