

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 19.2-389.2, relating to background*
3 *checks of applicants of the Metropolitan Washington Airports Authority.*

4
5 Approved

[H 164]

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

7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-389.2 as follows:**

8 **§ 19.2-389.2. Background checks of applicants of the Metropolitan Washington Airports Authority.**

9 *The police department of the Metropolitan Washington Airports Authority as established in Chapter*
10 *10 (§ 5.1-152 et seq.) of Title 5.1 may require an applicant, upon conditional offer of employment with*
11 *the Authority, to submit to fingerprinting and to provide personal descriptive information to be*
12 *forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and*
13 *the Federal Bureau of Investigation for the purpose of obtaining criminal history record information*
14 *regarding such applicant.*

15 *The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that*
16 *no record exists, shall make a report to the chief of the police department of the Authority or his*
17 *designee, provided the designee is an employee of the police department of the Authority. In determining*
18 *whether a criminal conviction directly relates to a position, the Authority shall consider the following*
19 *criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be*
20 *performed in the position applied for; (iii) the extent to which the position applied for might offer an*
21 *opportunity to engage in further criminal activity of the same type as that in which the applicant had*
22 *been involved; (iv) the relationship of the crime to the ability, capacity, or fitness required to perform*
23 *the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of*
24 *the applicant's past criminal activity; (vi) the age of the applicant at the time of the commission of the*
25 *crime; (vii) the amount of time that has elapsed since the applicant's last involvement in the commission*
26 *of a crime; (viii) the conduct and work activity of the applicant prior to and following the criminal*
27 *activity; and (ix) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or*
28 *following release.*

29 *If an applicant is denied employment because of information appearing in his criminal history*
30 *record, the Authority shall notify the applicant that information obtained from the Central Criminal*
31 *Records Exchange contributed to such denial. The criminal history record information obtained pursuant*
32 *to this section shall be used solely to determine an applicant's eligibility for employment by the*
33 *Authority and access to restricted areas of Ronald Reagan Washington National Airport and Washington*
34 *Dulles International Airport in compliance with 49 U.S.C. § 44936 and shall otherwise be confidential.*

ENROLLED

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