

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 27-6.2 of the Code of Virginia, relating to fire protection; applicant*
3 *preemployment information with fire departments.*

4 [H 1163]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 27-6.2 of the Code of Virginia is amended and reenacted as follows:**8 **§ 27-6.2. Applicant preemployment information with fire departments.**

9 Applicants for employment with the ~~Arlington County Fire Department~~ *any fire department*, having a
10 local ordinance adopted in accordance with § 19.2-389, ~~shall~~ *may* be required to submit to fingerprinting
11 and to provide personal descriptive information to be forwarded along with the applicant's fingerprints
12 through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose
13 of obtaining criminal history record information regarding such applicant; however, such applicants shall,
14 if required by local ordinance, pay the cost of the fingerprinting or criminal records check or both.

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

28 If an applicant is denied employment because of information appearing in his criminal history record,
29 the locality shall provide a copy of the information obtained from the Central Criminal Records
30 Exchange to the applicant. The information shall not be disseminated except as provided for in this
31 section.

ENROLLED

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