

LD8603424

HOUSE BILL NO. 2404

Offered January 23, 1995

A BILL to amend and reenact § 22.1-296.2 of the Code of Virginia, relating to school board personnel and criminal records checks.

Patron—Reid

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-296.2 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-296.2. Fingerprinting required.

As a condition of employment, the school boards of the Counties of Chesterfield, Cumberland, Fairfax, Fluvanna, Hanover, Henrico, Louisa, Orange, Prince William, Rockbridge, Spotsylvania, and Stafford and the Cities of Alexandria, Chesapeake, Fredericksburg, Hampton, Hopewell, Manassas, Newport News, Petersburg, Radford, Richmond, and Virginia Beach shall require any individual applicant who accepts a position employment after July 1, 1989, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant; ~~provided~~, however, such individual ~~shall~~ may be required to pay the cost of such fingerprinting or criminal records check at the discretion of the school board.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the school board whether or not the applicant has ever been convicted of murder, abduction for immoral purposes as set out in § 18.2-48, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, failing to secure medical attention for an injured child, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1, neglect of children as set out in § 18.2-371.1, or obscenity offenses as set out in § 18.2-374.1 or § 18.2-379, possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, use of a firearm in the commission of a felony as set out in § 18.2-53.1, or an equivalent offense in another state. The Central Criminal Records Exchange shall not disclose information to the school board regarding charges or convictions of any crimes not specified in this section. If an applicant is denied employment because of information appearing on his criminal history record, the school board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant.

Upon the written consent of an applicant who voluntarily discloses that he has applied for employment with more than one of the above named school boards, such school boards may share the information disclosed by the Central Criminal Records Exchange relating to the consenting applicant for no more than three months following the initial receipt of the disclosed criminal records information. Prior to sharing such information, the school boards shall agree to and implement procedures to protect the confidentiality, control, and storage of the information. The information provided to the school board shall not be disseminated except as provided in this section.

INTRODUCED

HB2404