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SENATE BILL NO. 321

Offered January 19, 1996

A *BILL to amend the Code of Virginia by adding a section numbered 37.1-20.3 , and to repeal § 37.1-20.2 of the Code of Virginia, relating to background checks.*

Patrons—Hanger; Delegate: Landes

Referred to the Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 37.1-20.3 as follows:

§ 37.1-20.3. Background check required.

A. As a condition of employment, volunteering or providing services on a regular basis at any state facility as defined in § 37.1-1, the Department shall require any individual who (i) accepts a position of employment at a state facility and who was not employed by that state facility prior to July 1, 1996; (ii) volunteers at a state facility and will be alone with a patient or resident in the performance of his duties and who was not a volunteer at such state facility prior to July 1, 1996; (iii) provides services at a state facility on a regular basis and will be alone with any patient or resident in the performance of his duties and who did not provide such services prior to July 1, 1996; or (iv) accepts a position with the Department which receives, monitors or disburses funds of the Commonwealth and who was not employed by the Department prior to July 1, 1996, 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.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall submit a report to the state facility or to the Department. If an individual is denied employment or the opportunity to volunteer or provide services at a state facility or the Department because of information appearing on his criminal history record, the state facility or Department shall provide a copy of the information obtained from the Central Criminal Records Exchange that resulted in the denial of employment to the individual. The information provided to the state facility or Department shall not be disseminated except as provided in this section.

B. Those individuals listed in clauses (i), (ii), (iii) and (iv) of subsection A also shall provide the state facility or Department a copy of information from the central registry maintained pursuant to § 63.1-248.8 on any investigation of child abuse or neglect undertaken on him.

C. The Board may promulgate regulations to comply with the provisions of this section. Copies of any information received by the state facility or Department pursuant to this section shall be available to the Department and to the applicable state facility but shall not be disseminated further, except as permitted by state or federal law. The cost of obtaining the criminal history record and the central registry information shall be borne by the applicant.

D. If a state facility is covered by the provisions of this section and the provisions of § 63.1-248.7:2, the provisions of this section shall take precedence.

2. That § 37.1-20.2 of the Code of Virginia is repealed.

INTRODUCED

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