

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 19.2-388.1, relating to Central*  
3 *Criminal Records Exchange; background checks through Live Scan device.*

4 [H 2746]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-388.1 as follows:**8 **§ 19.2-388.1. Fingerprints submitted by Live Scan device.**

9 *A. The Department of State Police (the Department) shall accept requests for background checks*  
10 *through the use of a Live Scan device certified by the Federal Bureau of Investigation by any agency or*  
11 *organization located within the Commonwealth that (i) is authorized to receive criminal history record*  
12 *information pursuant to § 19.2-392.02 and (ii) utilizes a fingerprint background check as a condition of*  
13 *licensure, certification, employment, or volunteer service. Any such agency or organization transmitting*  
14 *requests for background checks to the Department pursuant to this section shall be responsible for all*  
15 *costs associated with capturing, formatting, encrypting, and transmitting all required information in a*  
16 *manner prescribed by the Department.*

17 *B. The Department shall only provide the criminal history record information to the extent*  
18 *authorized by state or federal law, rules, and regulations. The Department may deny any such agency or*  
19 *organization access to criminal history record information if the Department finds that such agency or*  
20 *organization has failed to comply with state or federal law, rules, or regulations.*

21 *C. Participating agencies or organizations shall be required to enter into an agreement with the*  
22 *Department for the purposes of carrying out this section and may be required to submit other*  
23 *information or forms as prescribed by the Department.*

ENROLLED

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