



Senate

General Assembly

File No. 586

January Session, 2001

Substitute Senate Bill No. 1437

Senate, May 3, 2001

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221d of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) On and after July 1, 1994, each local and regional board of
4 education shall (1) require each applicant for a position in a public
5 school to state whether such person has ever been convicted of a crime
6 or whether criminal charges are pending against such person at the
7 time of [his] such person's application, and (2) require, subject to the
8 provisions of subsection (d) of this section, each person hired by the
9 board after July 1, 1994, to submit to state and national criminal history
10 records checks within ninety days from the date of employment. Any
11 local or regional board of education may require, subject to the
12 provisions of subsection (d) of this section, any person hired prior to
13 said date to submit to state and national criminal history records

14 checks. [The board or a regional educational service center pursuant to
15 subsection (b) of this section shall request the state criminal history
16 records check for each such person from the State Police Bureau of
17 Identification. The board or such regional educational service center
18 shall arrange for the fingerprinting of each such person and forward
19 the fingerprints to said bureau which shall submit the fingerprints to
20 the Federal Bureau of Investigation for a national criminal history
21 records check. The board or the regional educational service center
22 may charge each such person a fee for the national criminal history
23 records check which shall not exceed the fee charged by the Federal
24 Bureau of Investigation for performing the check.] The criminal history
25 records checks required by this subsection shall be conducted in
26 accordance with section 29 of this act. If the local or regional board of
27 education receives notice of a conviction of a crime which has not
28 previously been disclosed by such person to the board, the board may
29 (A) terminate the contract of a certified employee, in accordance with
30 the provisions of section 10-151, and (B) dismiss a noncertified
31 employee provided such employee is notified of the reason for such
32 dismissal, is provided the opportunity to file with the board, in
33 writing, any proper answer to such criminal conviction and a copy of
34 the notice of such criminal conviction, the answer and the dismissal
35 order are made a part of the records of the board. The supervisory
36 agent of a private school may require any applicant for a position in
37 such school or any employee of such school to submit to state and
38 national criminal history records checks in accordance with the
39 procedures described in this subsection.

40 (b) If a local or regional board of education requests, a regional
41 educational service center shall arrange for [fingerprinting pursuant to
42 subsection (a) of this section and forward such fingerprints for state
43 and national criminal history records checks] the fingerprinting of any
44 person required to submit to state and national criminal history
45 records checks pursuant to this section or for conducting any other
46 method of positive identification required by the State Police Bureau of

47 Identification or the Federal Bureau of Identification and shall forward
48 such fingerprints or other positive identifying information to the State
49 Police Bureau of Identification which shall conduct criminal history
50 records checks in accordance with section 29 of this act. Such regional
51 educational service centers shall provide the results of such checks to
52 such local or regional board of education. Such regional educational
53 service centers shall provide such results to any other local or regional
54 board of education or regional educational service center upon the
55 request of [the] such person. [fingerprinted.]

56 (c) State and national criminal history records checks for substitute
57 teachers completed within one year prior to the date of employment
58 with a local or regional board of education and submitted to the
59 employing board of education shall meet the requirements of
60 subdivision (2) of subsection (a) of this section. A local or regional
61 board of education shall not require substitute teachers to submit to
62 state and national criminal history records checks pursuant to
63 subdivision (2) if they are continuously employed by such local or
64 regional board of education. For purposes of this section, substitute
65 teachers shall be deemed to be continuously employed by a local or
66 regional board of education if they are employed at least one day of
67 each school year by such local or regional board of education.

68 (d) The provisions of this section shall not apply to a person
69 required to submit to a criminal history records check pursuant to the
70 provisions of subsection (d) of section 14-44, as amended by this act.
71 The provisions of subsection (a) of this section requiring state and
72 national criminal history records checks shall, at the discretion of a
73 local or regional board of education, apply to a person employed by a
74 local or regional board of education as a teacher for a noncredit adult
75 class or adult education activity, as defined in section 10-67, who is not
76 required to hold a teaching certificate pursuant to section 10-145b for
77 [his] such position.

78 Sec. 2. Section 12-559 of the general statutes is repealed and the
79 following is substituted in lieu thereof:

80 Notwithstanding the provisions of section 4-8, the executive director
81 shall, with the advice and consent of the board, appoint unit heads for
82 each of the units created within the division, who shall be exempt from
83 classified service. Each unit head shall be qualified and experienced in
84 the functions to be performed by [him] such unit head. The executive
85 director may employ division stewards for thoroughbred racing,
86 division judges for harness racing, greyhound racing and jai alai, and
87 division veterinarians who shall be exempt from classified service, and
88 may employ, subject to the provisions of chapter 67, such clerks,
89 stenographers, inspectors, agents and other employees, as may be
90 necessary to carry out the provisions of this chapter. [, all of whom
91 shall be fingerprinted before being employed.] The executive director
92 shall require such persons to submit to state and national criminal
93 history records checks before being employed. The criminal history
94 records checks required pursuant to this section shall be conducted in
95 accordance with section 29 of this act. All persons employed pursuant
96 to this section, with the exception of any steward, judge or
97 veterinarian, shall be residents of the state at the time of and during
98 the full term of their employment.

99 Sec. 3. Subsection (b) of section 12-578 of the general statutes is
100 repealed and the following is substituted in lieu thereof:

101 (b) [Each] The executive director shall require each applicant for a
102 license under subdivision (2) of subsection (a) of this section [shall be
103 fingerprinted] to submit to state and national criminal history records
104 checks before such license is issued. The criminal history records
105 checks required pursuant to this subsection shall be conducted in
106 accordance with section 29 of this act.

107 Sec. 4. Subsection (e) of section 12-586f of the general statutes is
108 repealed and the following is substituted in lieu thereof:

109 (e) [Each] The executive director shall require each applicant for a
110 casino gaming employee license, casino gaming service license or
111 casino gaming equipment license [shall be fingerprinted] to submit to
112 state and national criminal history records checks before such license is
113 issued. The criminal history records checks required pursuant to this
114 subsection shall be conducted in accordance with section 29 of this act.

115 Sec. 5. Subsection (e) of section 12-586g of the general statutes is
116 repealed and the following is substituted in lieu thereof:

117 (e) [Each] The executive director shall require each applicant for a
118 casino gaming employee license, casino gaming service license or
119 casino gaming equipment license [shall be fingerprinted] to submit to
120 state and national criminal history records checks before such license is
121 issued. The criminal history records checks required pursuant to this
122 subsection shall be conducted in accordance with section 29 of this act.

123 Sec. 6. Section 12-802b of the general statutes is repealed and the
124 following is substituted in lieu thereof:

125 (a) The executive director of the Division of Special Revenue may
126 issue occupational licenses to employees of the Connecticut Lottery
127 Corporation. In determining whether to grant a license to any such
128 employee, the executive director may require the applicant to submit
129 information as to such applicant's: (1) Financial standing and credit
130 which shall, at the discretion of the executive director, be updated
131 annually; (2) moral character; (3) criminal record, if any; (4) previous
132 employment; (5) corporate, partnership or association affiliations; (6)
133 ownership of personal assets; and (7) such other information as the
134 executive director deems pertinent to the issuance of such license,
135 provided the submission of such other information will assure the
136 integrity of the state lottery.

137 (b) The executive director shall require each applicant for an
138 occupational license to submit to state and national criminal history

139 records checks before such license is issued. The criminal history
140 records checks required pursuant to this subsection shall be conducted
141 in accordance with section 29 of this act.

142 (c) The executive director may reject for good cause an application
143 for a license and [he] may suspend or revoke for good cause any
144 license issued by [him] said executive director after a hearing held in
145 accordance with the provisions of chapter 54. Except as otherwise
146 provided in this section, such occupational license shall remain in
147 effect and not be subject to renewal throughout the term of
148 employment of any such employee holding such a license. Any
149 employee of the Connecticut Lottery Corporation whose license is
150 suspended or revoked, or any such applicant aggrieved by the action
151 of the executive director concerning an application for a license, may
152 appeal to the Gaming Policy Board not later than fifteen days after
153 such decision.

154 Sec. 7. Section 12-815a of the general statutes is repealed and the
155 following is substituted in lieu thereof:

156 [No] The executive director of the Division of Special Revenue shall
157 require the person or business organization awarded the primary
158 contract by the Connecticut Lottery Corporation to provide facilities,
159 components, goods or services which are necessary for the operation of
160 the activities of said corporation [may do so] to submit to state and
161 national criminal history records checks. No such person or business
162 organization may provide such facilities, components, goods or
163 services unless such person or business organization submits to [and
164 successfully completes] a state police background investigation in
165 accordance with subsection (i) of section 12-574 or is issued a vendor
166 license by the executive director of the Division of Special Revenue.
167 The criminal history records checks required pursuant to this section
168 shall be conducted in accordance with section 29 of this act.

169 Sec. 8. Subsection (d) of section 14-44 of the general statutes is

170 repealed and the following is substituted in lieu thereof:

171 (d) Prior to issuing an operator's license bearing a school
172 endorsement, the commissioner shall [request a state criminal history
173 records check for each applicant from the State Police Bureau of
174 Identification. The commissioner shall forward the fingerprints
175 obtained pursuant to the provisions of subsection (b) of this section to
176 said bureau which shall submit the fingerprints to the Federal Bureau
177 of Investigation for a national criminal history records check. A fee
178 shall be charged by the commissioner for each such national criminal
179 history records check which shall be equal to the fee charged by the
180 Federal Bureau of Investigation for performing such check] require
181 each applicant to submit to state and national criminal history records
182 checks. The criminal history records checks required pursuant to this
183 subsection shall be conducted in accordance with section 29 of this act.
184 If notice of a state criminal history record is received, the commissioner
185 may refuse to issue an operator's license bearing such endorsement
186 and, in such case, shall immediately notify the applicant, in writing, of
187 such refusal. Subject to the provisions of section 46a-80, if notice of a
188 national criminal history record is received, the commissioner may
189 withdraw the operator's license bearing a school endorsement
190 immediately and, in such case, shall immediately notify the holder of
191 such license and [his] the holder's employer, in writing, of such
192 withdrawal.

193 Sec. 9. Section 17a-151 of the general statutes is repealed and the
194 following is substituted in lieu thereof:

195 (a) The Commissioner of Children and Families shall investigate the
196 conditions stated in each application made [to him] under the
197 provisions of section 17a-145 and [request a criminal records check for
198 any person applying under said section] shall require any person
199 applying under said section to submit to state and national criminal
200 history records checks. The commissioner shall investigate the

201 conditions in each application under the provisions of section 17a-149
202 and, if the commissioner finds such conditions suitable for the proper
203 care of children, or for the placing out of children, under such
204 standards for the promotion of the health, safety, morality and well-
205 being of such children as [he] the commissioner prescribes, shall issue
206 such license as is required as promptly as possible, without expense to
207 the licensee. If, after [his] such investigation, the commissioner finds
208 that the applicant, notwithstanding good faith efforts, is not able to
209 fully comply with all the requirements [he] the commissioner
210 prescribes, but compliance can be achieved with minimal efforts, the
211 commissioner may issue a provisional license for a period not to
212 exceed sixty days. The provisional license may be renewed for
213 additional sixty-day periods, but in no event shall the total of such
214 periods be for longer than one year. Before issuing any license, the
215 commissioner shall give to the selectmen of the town wherein such
216 licensee proposes to carry on the licensed activity ten days' notice in
217 writing that the issuance of such license is proposed, but such notice
218 shall not be required in case of intention to issue such license to any
219 corporation incorporated for the purpose of caring for or placing such
220 children. Each license so issued shall specify whether it is granted for
221 child-caring or child-placing purposes, shall state the number of
222 children who may be cared for, shall be in force twenty-four months
223 from date of issue, and shall be renewed for the ensuing twenty-four
224 months, if conditions continue to be satisfactory to the commissioner.
225 The commissioner shall also provide such periodical inspections and
226 review as shall safeguard the well-being, health and morality of all
227 children cared for or placed under a license issued by [him hereunder]
228 the commissioner under this section and shall visit and consult with
229 each such child and with the licensee as often as [he] the commissioner
230 deems necessary but at intervals of not more than ninety days. Each
231 licensee under the provisions of this section shall file annually with the
232 commissioner a report containing such information concerning its
233 functions, services and operation, including financial data, as the

234 commissioner requires. Any license issued under this section may be
235 revoked, suspended or limited by the commissioner for cause, after
236 notice given to the person or entity concerned and after opportunity
237 for a hearing thereon. Any party whose application is denied or whose
238 license is revoked, suspended or limited by the commissioner may
239 appeal from such adverse decision in accordance with the provisions
240 of section 4-183. Appeals under this section shall be privileged in
241 respect to the order of trial assignment.

242 (b) The criminal history records [check] checks required pursuant to
243 subsection (a) of this section shall be [requested from the State Police
244 Bureau of Identification and shall be applicable to the persons
245 identified on the application made pursuant to section 17a-145. The
246 Commissioner of Children and Families shall arrange for
247 fingerprinting of such persons. The fingerprints of such persons shall
248 be forwarded to the State Police Bureau of Identification which shall
249 conduct a state criminal history records check and submit the
250 fingerprints to the Federal Bureau of Investigation for a national
251 criminal history records check] conducted in accordance with section
252 29 of this act.

253 (c) The commissioner shall adopt regulations, in accordance with
254 chapter 54, to establish a staggered schedule for the renewal of licenses
255 issued pursuant to sections 17a-145 and 17a-149.

256 Sec. 10. Subsection (a) of section 17b-749k of the general statutes is
257 repealed and the following is substituted in lieu thereof:

258 (a) [On and after January 1, 1998, the] The Commissioner of Social
259 Services shall, within available appropriations, [request a criminal
260 records check for] require any person, other than a relative, providing
261 child care services to a child in the child's home who receives a child
262 care subsidy from the Department of Social Services to submit to state
263 and national criminal history records checks. [Such criminal records
264 check] The criminal history records checks required pursuant to this

265 subsection shall be [requested from the State Police Bureau of
266 Identification and the Federal Bureau of Investigation] conducted in
267 accordance with section 29 of this act. The commissioner shall also
268 request a check of the state child abuse registry established pursuant to
269 section 17a-101k. [A fee shall be charged by the commissioner for each
270 such national criminal history records check which shall be equal to
271 the fee charged by the Federal Bureau of Investigation for performing
272 such check. The Department of Social Services shall reimburse the
273 Department of Public Safety for the actual cost for a national criminal
274 history records check.]

275 Sec. 11. Section 17b-750 of the general statutes is repealed and the
276 following is substituted in lieu thereof:

277 No child care subsidy shall be paid to an unlicensed child care
278 provider if such provider has been convicted of any crime involving
279 sexual assault of a minor or serious physical injury to a minor or any
280 crime committed in any other state or jurisdiction the essential
281 elements of which are substantially the same as such crimes. If the
282 commissioner has reason to believe that a provider of child care
283 services has been so convicted, [he] the commissioner may demand
284 that such provider be subject to state and national criminal history
285 records checks. [The commissioner shall request the state criminal
286 history records check for such provider from the State Police Bureau of
287 Identification. The commissioner shall arrange for the fingerprinting of
288 such provider and forward the fingerprints to said bureau which shall
289 submit the fingerprints to the Federal Bureau of Investigation for a
290 national criminal history records check. The commissioner may charge
291 such provider a fee for the national criminal history records check
292 which shall not exceed the fee charged by the Federal Bureau of
293 Investigation for performing the check.] If criminal history records
294 checks are required pursuant to this section, such checks shall be
295 conducted in accordance with section 29 of this act.

296 Sec. 12. Section 18-811 of the general statutes is repealed and the
297 following is substituted in lieu thereof:

298 The Department of Correction shall (1) require each applicant for a
299 position that will involve direct contact with inmates to state whether
300 such person has ever been convicted of a crime or whether criminal
301 charges are pending against such person at the time of [his] such
302 person's application, and (2) require each applicant to submit to state
303 and national criminal history records checks. [The Department of
304 Correction shall conduct a state criminal history records check for each
305 applicant. Prior to employment, the Department of Correction shall
306 arrange for the fingerprinting of each successful applicant and shall
307 forward such fingerprints to the State Police Bureau of Identification
308 which shall submit the fingerprints to the Federal Bureau of
309 Investigation for a national criminal history records check. The
310 department may charge each applicant a fee for the national criminal
311 history records check which shall not exceed the fee charged by the
312 Federal Bureau of Investigation for performing the check.] The
313 criminal history records checks required pursuant to this section shall
314 be conducted in accordance with section 29 of this act.

315 Sec. 13. Section 19a-77a of the general statutes is repealed and the
316 following is substituted in lieu thereof:

317 (a) Any retail establishment in this state may establish a drop-in
318 supplementary child-care operation on the premises of such retail
319 establishment in accordance with the following requirements:

320 (1) The hours of operation may only be between six o'clock a.m. and
321 nine o'clock p.m.

322 (2) No child receiving care shall be less than three years nor more
323 than ten years of age.

324 (3) A child may not receive more than two hours of care per day.

325 (4) The operation may immediately notify appropriate law
326 enforcement or state agencies if any child receiving care at such
327 operation is not picked up by a parent or guardian after three hours.

328 (5) A parent or guardian shall be on the premises at the retail
329 establishment at all times while the child is receiving care.

330 (6) The retail establishment shall provide a clean and safe area for
331 the drop-in supplementary child-care operation.

332 (7) At all times the operation shall provide (A) at least one child-care
333 staff person for every ten children, and (B) at least one child-care staff
334 person who is twenty years of age or older who has experience in child
335 care.

336 (8) [All child-care staff shall be subject to a criminal records check.]
337 The operation shall submit the names of all child-care staff to the
338 Commissioner of Public Health, who shall request a check of such
339 names from the state child abuse registry established pursuant to
340 section 17a-101k.

341 (b) Any retail establishment that establishes a drop-in
342 supplementary child-care operation under subsection (a) of this section
343 shall provide the Commissioner of Public Health with written notice of
344 the establishment of such operation. The commissioner may monitor
345 and inspect any such operation and shall investigate any complaint
346 received by the commissioner concerning any such operation.

347 Sec. 14. Subsection (c) of section 19a-80 of the general statutes is
348 repealed and the following is substituted in lieu thereof:

349 (c) [On and after October 1, 1997, the] The Commissioner of Public
350 Health, within available appropriations, shall [request a fingerprint
351 criminal records check of] require each prospective employee of a child
352 day care center or group day care home in a position requiring the
353 provision of care to a child to submit to state and national criminal

354 history records checks. [Such fingerprint criminal records check shall
355 be requested from the State Police Bureau of Identification and the
356 Federal Bureau of Investigation.] The criminal history records checks
357 required pursuant to this subsection shall be conducted in accordance
358 with section 29 of this act. The commissioner shall also request a check
359 of the state child abuse registry established pursuant to section 17a-
360 101k. [A fee shall be charged by the commissioner for each such
361 national fingerprint criminal history records check which shall be
362 equal to the fee charged by the Federal Bureau of Investigation for
363 performing such check. The Department of Public Health shall
364 reimburse the Department of Public Safety for the actual cost for a
365 national fingerprint criminal history records check.] Pursuant to the
366 interagency agreement provided for in section 10-16s, the Department
367 of Social Services may agree to transfer funds appropriated for
368 [fingerprint] criminal history records checks to the Department of
369 Public Health. [Not more than three months after July 1, 1997, the] The
370 commissioner shall notify each licensee of the provisions of this
371 subsection.

372 Sec. 15. Subsection (b) of section 19a-87b of the general statutes is
373 repealed and the following is substituted in lieu thereof:

374 (b) [On and after October 1, 1997, the] The Commissioner of Public
375 Health, within available appropriations, shall [request a fingerprint
376 criminal records check of] require each initial applicant or prospective
377 employee of a family day care home in a position requiring the
378 provision of care to a child to submit to state and national criminal
379 history records checks. [Such fingerprint criminal records check shall
380 be requested from the State Police Bureau of Identification and the
381 Federal Bureau of Investigation.] The criminal history records checks
382 required pursuant to this subsection shall be conducted in accordance
383 with section 29 of this act. The commissioner shall also request a check
384 of the state child abuse registry established pursuant to section 17a-
385 101k. [A fee shall be charged by the commissioner for each such

386 national fingerprint criminal history records check which shall be
387 equal to the fee charged by the Federal Bureau of Investigation for
388 performing such check. The Department of Public Health shall
389 reimburse the Department of Public Safety for the actual cost for a
390 national fingerprint criminal history records check. Not more than
391 three months after July 1, 1997, the] The commissioner shall notify each
392 licensee of the provisions of this subsection.

393 Sec. 16. Subsection (c) of section 19a-491b of the general statutes is
394 repealed and the following is substituted in lieu thereof:

395 [(c) The Division of State Police within the Department of Public
396 Safety shall assist the Department of Public Health in conducting
397 criminal background investigations of persons described in
398 subdivision (1) of subsection (a) of section 19a-491a.]

399 (c) The Commissioner of Public Health shall require each initial
400 applicant described in subdivision (1) of subsection (a) of section 19a-
401 491a to submit to state and national criminal history records checks.
402 The criminal history records checks required by this subsection shall
403 be conducted in accordance with section 29 of this act.

404 Sec. 17. Section 21-40 of the general statutes is repealed and the
405 following is substituted in lieu thereof:

406 The selectmen of any town and the chief of police of any city may
407 grant licenses to suitable persons to be pawnbrokers and to carry on
408 the business of lending money on the deposit or pledge of personal
409 property, or of purchasing such property on condition of selling it back
410 again at a stipulated price, or of purchasing such property from a
411 person who is not a wholesaler, in such town or city respectively, and
412 may revoke such licenses for cause; but the selectmen shall not grant
413 such licenses for the carrying on of such business within the limits of
414 any city. The person so licensed shall pay, for the benefit of any such
415 city or town, respectively, to the authority granting such license a

416 license fee of fifty dollars, and twenty-five dollars per year thereafter
417 for renewal of such license, and shall, at the time of receiving such
418 license, file, with the mayor of such city or the first selectman of such
419 town, a bond to such city or town, with competent surety, in the penal
420 sum of two thousand dollars, to be approved by such licensing
421 authority, and conditioned for the faithful performance of the duties
422 and obligations pertaining to the business so licensed. Each such
423 license shall designate the place where such business is to be carried on
424 and shall continue one year unless sooner revoked. No license shall be
425 issued under this section by the selectmen or chief of police to any
426 person who has been convicted of a felony. The selectmen or chief of
427 police may [take the fingerprints of any applicant for such license and,
428 if such fingerprints are taken, shall submit such fingerprints to the
429 Federal Bureau of Investigation for a national criminal history records
430 check] require any applicant for a license under this section to submit
431 to state and national criminal history records checks. If the selectmen
432 or chief of police require such criminal history records checks, such
433 checks shall be conducted in accordance with section 29 of this act.

434 Sec. 18. Subsection (a) of section 21-100 of the general statutes is
435 repealed and the following is substituted in lieu thereof:

436 (a) No person may engage in or carry on the business of purchasing
437 gold or gold-plated ware, silver or silver-plated ware, platinum ware,
438 watches, jewelry, precious stones or coins unless such person is
439 licensed by the chief of police or, if there is no chief of police, the first
440 selectman of the municipality in which [he] such person intends to
441 carry on such business; except that the provisions of this subsection
442 shall not apply to the purchase of such items from a wholesaler by a
443 manufacturer or retail seller whose primary place of business is located
444 in this state. Such person shall pay an annual fee of ten dollars for such
445 license. The license may be revocable for cause, which shall include,
446 but not be limited to, failure to comply with any requirements for
447 licensure specified by the licensing authority at the time of issuance. A

448 chief of police or first selectman shall refuse to issue a license under
449 this subsection to a person who has been convicted of a felony. A chief
450 of police or first selectman may [take the fingerprints of an applicant
451 for such license and, if such fingerprints are taken, shall submit such
452 fingerprints to the Federal Bureau of Investigation for a national
453 criminal history records check] require any applicant for a license to
454 submit to state and national criminal history records checks. If the
455 chief of police or first selectman requires such criminal history records
456 checks, such checks shall be conducted in accordance with section 29 of
457 this act. For the purposes of this subsection "wholesaler" means a
458 person in the business of selling tangible personal property to be
459 resold at retail or raw materials to be manufactured into suitable forms
460 for use by consumers.

461 Sec. 19. Subsection (d) of section 22a-6m of the general statutes is
462 repealed and the following is substituted in lieu thereof:

463 (d) In reviewing the application for a permit, registration, certificate
464 or other license under the provisions of this title, the commissioner
465 may require the applicant or, if the applicant is a business entity, any
466 director, officer, partner or owner of more than five per cent of the
467 total outstanding stock of any class of the applicant's business to
468 submit to state and national criminal history records checks. [The
469 commissioner may request a state criminal history records check for
470 each such applicant, director, officer, partner or stockholder from the
471 State Police Bureau of Identification. The commissioner may arrange
472 for each such applicant, director, officer, partner or stockholder to
473 provide the information necessary to conduct such criminal history
474 records checks to the State Police Bureau of Identification which shall
475 submit such information to the Federal Bureau of Investigation for a
476 national criminal history records check. The commissioner may charge
477 each such applicant, director, officer, partner or stockholder a fee for
478 the state criminal history records check which shall not exceed the fee
479 the State Police Bureau of Identification is authorized to charge an

480 individual for performing the check and a fee for the national criminal
481 history records check which shall not exceed the fee charged by the
482 Federal Bureau of Investigation for performing the check. The
483 commissioner shall collect such fees and forward such fees to the
484 Department of Public Safety.] If criminal history records checks are
485 required, such checks shall be conducted in accordance with section 29
486 of this act. The review by the commissioner of the criminal history of
487 each such applicant, director, officer, partner or stockholder shall be
488 limited to information regarding criminal convictions related to
489 activities regulated under the environmental protection laws of this
490 state, any other state or the federal government.

491 Sec. 20. Subsection (c) of section 22a-60 of the general statutes is
492 repealed and the following is substituted in lieu thereof:

493 (c) If the commissioner finds that the information submitted for a
494 registration of a license transfer under this section is insufficient for
495 purposes of determining whether the proposed transferee is able to
496 comply with the terms and conditions of the license, the commissioner
497 may require such transferee to submit such additional information as
498 the commissioner deems necessary to make such determination,
499 including, but not limited to, any information necessary to complete
500 [a] state and national criminal history records [check under] checks in
501 accordance with subsection (d) of section 22a-6m, as amended by this
502 act.

503 Sec. 21. Section 29-29 of the general statutes is repealed and the
504 following is substituted in lieu thereof:

505 (a) No permit for carrying any pistol or revolver shall be issued
506 under the provisions of section 29-28 unless the applicant for [the
507 same] such permit gives to the issuing authority, upon its request, full
508 information concerning [his] such person's criminal record. [, and
509 such] The issuing authority shall require the applicant to submit to
510 state and national criminal history records checks. The issuing

511 authority shall [thereupon] take a full description of such applicant
512 and make an investigation concerning [his] such person's suitability to
513 carry any such weapons.

514 (b) The issuing authority shall take the fingerprints of such
515 applicant or conduct any other method of positive identification
516 required by the State Police Bureau of Identification or the Federal
517 Bureau of Identification, unless the issuing authority determines that
518 the fingerprints of such applicant have been previously taken and [his]
519 such person's identity established and such applicant presents
520 identification that the issuing authority verifies as valid. The issuing
521 authority shall record the date the fingerprints were taken in the
522 applicant's file and, within five business days of such date, shall
523 forward such fingerprints [to the Federal Bureau of Investigation for a
524 national criminal history records check] or other positive identifying
525 information to the State Police Bureau of Identification which shall
526 conduct criminal history records checks in accordance with section 29
527 of this act.

528 (c) The issuing authority may, in [his] its discretion, issue such
529 permit before a report from said bureau relative to such applicant's
530 record has been received. Upon receipt of such report, the issuing
531 authority shall inform the applicant and render a decision on the
532 application within one week of the receipt of the report. If such report
533 has not been received within eight weeks after a sufficient application
534 for a permit has been made, the issuing authority shall inform the
535 applicant of such delay, in writing. No permit shall be issued if the
536 issuing authority has reason to believe the applicant has ever been
537 convicted of a felony.

538 Sec. 22. Subsection (a) of section 29-36g of the general statutes is
539 repealed and the following is substituted in lieu thereof:

540 (a) Requests for eligibility certificates under section 29-36f shall be
541 submitted to the Commissioner of Public Safety on application forms

542 prescribed by the commissioner. No eligibility certificate for a pistol or
543 revolver shall be issued under the provisions of said section unless the
544 applicant for [the same] such certificate gives to the Commissioner of
545 Public Safety, upon [his] the commissioner's request, full information
546 concerning the applicant's criminal record and relevant information
547 concerning the applicant's mental health history. [, and the] The
548 commissioner shall require each applicant to submit to state and
549 national criminal history records checks. The commissioner shall
550 [thereupon] take a full description [and the fingerprints] of such
551 applicant. The commissioner shall take the fingerprints of such
552 applicant or conduct any other method of positive identification
553 required by the State Police Bureau of Identification or the Federal
554 Bureau of Identification. The commissioner shall record the date the
555 fingerprints were taken in the applicant's file [and shall forward such
556 fingerprints to the Federal Bureau of Investigation for a national
557 criminal history records check and to the State Police Bureau of
558 Identification for a state criminal history records check] and shall
559 conduct criminal history records checks in accordance with section 29
560 of this act. The commissioner shall, within sixty days of receipt of the
561 national criminal history records check from the Federal Bureau of
562 Investigation, either approve the application and issue the eligibility
563 certificate or deny the application and notify the applicant of the
564 reason for such denial in writing.

565 Sec. 23. Section 29-145 of the general statutes is repealed and the
566 following is substituted in lieu thereof:

567 Any person desiring to engage in the business of a professional
568 bondsman shall apply to the Commissioner of Public Safety for a
569 license therefor. Such application shall set forth under oath the full
570 name, age, residence and occupation of the applicant, whether the
571 applicant intends to engage in the business of a professional bondsman
572 individually or in partnership or association with another or others,
573 and, if so, the identity of each. It shall also set forth under oath a

574 statement of the assets and liabilities of the applicant, and whether [he]
575 the applicant has been charged with or convicted of crime, and such
576 other information, including fingerprints and photographs, as said
577 commissioner from time to time may require. The commissioner shall
578 require the applicant to submit to state and national criminal history
579 records checks. The criminal history records checks required pursuant
580 to this section shall be conducted in accordance with section 29 of this
581 act. No person who has been convicted of a felony shall be licensed to
582 do business as a professional bondsman in this state. No person
583 engaged in law enforcement or vested with police powers shall be
584 licensed to do business as a professional bondsman.

585 Sec. 24. Section 29-152f of the general statutes is repealed and the
586 following is substituted in lieu thereof:

587 Any person desiring to engage in the business of a bail enforcement
588 agent shall apply to the Commissioner of Public Safety for a license
589 therefor. Such application shall set forth under oath the full name, age,
590 date and place of birth, residence and occupation of the applicant. It
591 shall also set forth under oath a statement of whether the applicant has
592 been charged with or convicted of crime, and such other information,
593 including fingerprints and photographs, as required by the
594 commissioner. [The commissioner shall submit the applicant's
595 fingerprints to the Federal Bureau of Investigation for a national
596 criminal history record check.] The commissioner shall require the
597 applicant to submit to state and national criminal history records
598 checks. The criminal history records checks required pursuant to this
599 section shall be conducted in accordance with section 29 of this act.
600 Within five years prior to the date of application, the applicant shall
601 have successfully completed a course in the criminal justice system
602 consisting of not less than twenty hours of study approved by the
603 commissioner. No person who has been convicted of a felony or any
604 misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62,
605 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-181d, shall be

606 licensed to do business as a bail enforcement agent in this state. No
607 person engaged in law enforcement or vested with police powers shall
608 be licensed to do business as a bail enforcement agent.

609 Sec. 25. Subsection (b) of section 29-155 of the general statutes is
610 repealed and the following is substituted in lieu thereof:

611 (b) The commissioner shall require any applicant for a license under
612 this section to submit to state and national criminal history records
613 checks. Each applicant and, in the case of an association, corporation or
614 partnership, each individual composing such association, corporation
615 or partnership, shall submit with the application two complete sets of
616 fingerprints on forms specified and furnished by the commissioner
617 and two photographs, two inches wide by three inches high, taken
618 within six months prior to the application. The criminal history records
619 checks required pursuant to this subsection shall be conducted in
620 accordance with section 29 of this act.

621 Sec. 26. Section 29-156a of the general statutes is repealed and the
622 following is substituted in lieu thereof:

623 (a) Any licensee may employ as many agents, operators, assistants,
624 guards, watchmen or patrolmen as [he] such licensee deems necessary
625 for the conduct of [his] such licensee's business, provided such
626 employees shall be of good moral character and at least eighteen years
627 of age.

628 (b) Immediately upon hiring an agent, operator, assistant, guard,
629 watchman or patrolman, the licensee shall make application to register
630 such employee with the Commissioner of Public Safety. Such
631 application shall be made on forms furnished by the commissioner,
632 and, under oath of the employee, shall give [his] the employee's name,
633 address, date and place of birth, employment for the past five years,
634 experience in the position applied for, any convictions for violations of
635 the law and such other information as the commissioner may require,

636 by regulation, to properly investigate the character, competency and
637 integrity of the employee.

638 (c) The Commissioner of Public Safety shall require any applicant
639 for a license under this section to submit to state and national criminal
640 history records checks. The criminal history records checks required
641 pursuant to this section shall be conducted in accordance with section
642 29 of this act. The application for registration shall be accompanied by
643 two sets of fingerprints of the employee and two photographs of the
644 employee, two inches wide by two inches high, full-face, with and
645 without head covering, taken within six months prior thereto, and a
646 thirteen-dollar registration fee payable to the state. Subject to the
647 provisions of section 46a-80, no person shall be approved for
648 employment who has been convicted of a felony, any sexual offense or
649 any crime that would tend to question [his] such person's honesty and
650 integrity, or who has been refused a license under the provisions of
651 this chapter for any reason except minimum experience, or whose
652 license, having been granted, has been revoked or is under suspension.
653 Upon being satisfied of the suitability of the applicant for employment
654 the commissioner shall register the employee and so notify the licensee
655 and place [his] the registration form and all related material on file
656 with the Division of State Police within the Department of Public
657 Safety.

658 (d) The licensee shall notify the commissioner within five days of
659 the termination of employment of any registered employees.

660 (e) The commissioner may waive state and national criminal history
661 records checks and the submission of fingerprints and photographs for
662 any employee who has been employed by a licensed private detective
663 or security service or agency within the previous six months.

664 Sec. 27. Section 29-349 of the general statutes is repealed and the
665 following is substituted in lieu thereof:

666 (a) The Commissioner of Public Safety shall have exclusive
667 jurisdiction in the preparation of and may enforce reasonable
668 regulations for the safe and convenient storage, transportation and use
669 of explosives and blasting agents used in connection therewith, which
670 regulations shall deal in particular with the quantity and character of
671 explosives and blasting agents to be stored, transported and used, the
672 proximity of such storage to inhabited dwellings or other occupied
673 buildings, public highways and railroad tracks, the character and
674 construction of suitable magazines for such storage, protective
675 measures to secure such stored explosives and blasting agents and the
676 abatement of any hazard that may arise incident to the storage,
677 transportation or use of such explosives and blasting agents.

678 (b) No person, firm or corporation shall engage in any activity
679 concerning the storage, transportation or use of explosives unless such
680 person, firm or corporation has obtained a license therefor from the
681 Commissioner of Public Safety. Such license shall be issued upon
682 payment of a fee of fifty dollars and upon submission by the applicant
683 of evidence of good moral character and of competence in the control
684 and handling of explosives, provided, if such license is for the use of
685 explosives, it may be issued only to an individual person after
686 demonstration that [he] such individual is technically qualified to
687 detonate explosives. Any such license to use explosives shall bear both
688 the fingerprints of the licensee obtained by the Commissioner of Public
689 Safety at the time of licensing, and [his] the licensee's photograph,
690 furnished by [him] the licensee, of a size specified by the commissioner
691 and taken not more than one year prior to the issuance of the license.
692 Each such license shall be valid for one year from the date of its
693 issuance, unless sooner revoked or suspended, and may be renewed
694 annually thereafter upon a payment of thirty dollars.

695 (c) The Commissioner of Public Safety shall require any applicant
696 for a license under this section to submit to state and national criminal
697 history records checks. The criminal history records checks required

698 pursuant to this subsection shall be conducted in accordance with
699 section 29 of this act.

700 [(c)] (d) No person shall manufacture, keep, store, sell or deal in any
701 explosives unless [he] such person has a valid license under the
702 provisions of subsection (b) and obtains from the Commissioner of
703 Public Safety or from the fire marshal of the town where such business
704 is conducted a written permit therefor, which permit shall not be valid
705 for more than one year and for which [he] such person shall pay a fee
706 of twenty-five dollars. If the permit is issued by the Commissioner of
707 Public Safety, the commissioner shall forward a copy thereof to the
708 local fire marshal. Such permit so granted shall definitely state the
709 location of the building where such business is to be carried on or such
710 explosive deposited and shall state that such building or premises
711 complies with the regulations provided for in this section.

712 [(d)] (e) No person shall procure, transport or use any explosives
713 unless [he] such person has a valid license under subsection (b) and
714 has obtained a written permit therefor signed by the Commissioner of
715 Public Safety or by the fire marshal of the town where such explosive
716 is to be used, specifying the name of the purchaser, the amount to be
717 purchased and transported and the purpose for which it is to be used.
718 Any such permit to use explosives shall state the number of years [he]
719 the permittee has been engaged in blasting activity. Such permit shall
720 be valid for such period, not longer than one year, as is required to
721 accomplish the purpose for which it was obtained. No carrier shall
722 transport any such explosive until the vehicle transporting the
723 explosive has been inspected and approved by the Department of
724 Public Safety and unless such written permit accompanies the same
725 and no person shall have in [his] such person's possession any such
726 explosive unless [he] such person has a license and permit therefor.
727 The fee for such inspection shall be twenty-five dollars. The fee for
728 such permit shall be twenty dollars. Each person who has in [his] such
729 person's custody or possession any explosive or any detonating caps

730 for explosives shall keep the same either under personal observation or
731 securely locked up.

732 [(e)] (f) Any license or permit issued under the provisions of this
733 section may be suspended or revoked by the issuing authority for
734 violation by the licensee or permittee of any provision of law or
735 regulation relating to explosives or conviction of such licensee or
736 permittee of any felony or misdemeanor. Suspension or revocation of a
737 license shall automatically suspend or revoke the permit and the
738 suspension or revocation of a permit shall automatically suspend or
739 revoke the license.

740 [(f)] (g) Any person who, by himself or herself or by [his] such
741 person's employee or agent or as the employee or agent of another,
742 violates any provision of this section, or any regulation made by the
743 Commissioner of Public Safety pursuant to the provisions of this
744 section, shall be fined not more than ten thousand dollars or
745 imprisoned not more than ten years or both.

746 [(g)] (h) As used in this section, "blasting agent" means any material,
747 composition or mixture intended for blasting, consisting substantially
748 of a fuel and oxidizer, none of the ingredients of which is an explosive
749 as defined in section 29-343, and the finished product of which as
750 mixed and packaged for use or shipment cannot be detonated by the
751 test procedure established by regulations adopted by the
752 Commissioner of Public Safety in accordance with chapter 54.

753 [(h)] (i) Notwithstanding the provisions of this section, the Labor
754 Commissioner shall regulate the storage, transportation and use of
755 explosives and blasting agents in places of employment insofar as such
756 activities relate to employee health and safety, provided such
757 regulations shall be no less stringent than those prepared and enforced
758 by the Commissioner of Public Safety pursuant to this section.

759 Sec. 28. Subsection (h) of section 38a-660 of the general statutes is

760 repealed and the following is substituted in lieu thereof:

761 (h) In addition to all other requirements prescribed in this section,
762 each applicant for a license shall furnish satisfactory evidence to the
763 commissioner that: (1) The applicant is at least eighteen years of age;
764 (2) the applicant is a citizen of the United States; and (3) the applicant
765 has never been convicted of a felony or any misdemeanor under
766 section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173,
767 53a-175, 53a-176, 53a-178 or 53a-181d. [Such applicant shall also] The
768 commissioner shall require each applicant to submit to a background
769 investigation, including an investigation of any prior criminal activity,
770 to be conducted by the Division of Criminal Justice, [utilizing the
771 Federal Bureau of Investigation and other law enforcement agencies.
772 All processing fees incurred as a result of such investigation shall be
773 paid by the applicant.] The Division of Criminal Justice shall require
774 each applicant to submit to state and national criminal history records
775 checks. Such criminal history records checks shall be conducted in
776 accordance with section 29 of this act.

777 Sec. 29. (NEW) (a) If a criminal history records check is required
778 pursuant to any provision of the general statutes, such check shall be
779 requested from the State Police Bureau of Identification and shall be
780 applicable to the individual identified in the request. The requesting
781 party shall arrange for the fingerprinting of the individual or for
782 conducting any other method of positive identification required by the
783 State Police Bureau of Identification and, if a national criminal history
784 records check is requested, by the Federal Bureau of Investigation. The
785 fingerprints or other positive identifying information shall be
786 forwarded to the State Police Bureau of Identification which shall
787 conduct a state criminal history records check. If a national criminal
788 history records check is requested, the State Police Bureau of
789 Identification shall submit the fingerprints or other positive identifying
790 information to the Federal Bureau of Investigation for a national
791 criminal history records check, unless the Federal Bureau of

792 Investigation permits direct submission of the fingerprints or other
793 positive identifying information by the requesting party.

794 (b) The Commissioner of Public Safety may charge fees for
795 conducting criminal history background checks as follows:

796 (1) Except as provided in subdivision (2) of this subsection, for a
797 person requesting (A) a state criminal history records check, the fee
798 charged by the Department of Public Safety for performing such check,
799 and (B) a national criminal history records check, the fee charged by
800 the Federal Bureau of Investigation for performing such check.

801 (2) For a state agency requesting a national criminal history records
802 check of a person, the fee charged by the Federal Bureau of
803 Investigation for performing such check. The state agency shall
804 reimburse the Department of Public Safety for such cost. Unless
805 otherwise provided by the provision of the general statutes requiring
806 the criminal history records check, the state agency may charge the
807 person a fee equal to the amount paid by the state agency under this
808 subdivision.

809 Sec. 30. This act shall take effect July 1, 2001.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Public Safety, Various State Agencies

Municipal Impact: None

Explanation

State Impact:

This bill results in no fiscal impact to the state. It standardizes the state statutes regarding the criminal history records checks conducted by the Department of Public Safety (DPS) for various state agencies in conformity with Federal Bureau of Investigation (FBI) specifications. The FBI will not conduct a national criminal history records check unless state statutes meet these specifications. The bill also requires criminal history records checks of Lottery Corporation contractors, which codifies current practice. It does not change any of the fee requirements for the agencies involved, which include the Departments of Education, Revenue Services, Motor Vehicles, Children and Families, Social Services, Correction, Public Health and Environmental Protection.

OLR BILL ANALYSIS

sSB 1437

AN ACT CONCERNING STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS.**SUMMARY:**

This bill establishes a generic criminal records check procedure and mandates its use when any state statute requires such checks. It specifies that the check must be requested from the Department of Public Safety's (DPS) State Police Bureau of Identification and applies to the individual identified in the request. It (1) specifies that the "requesting party" must arrange for fingerprinting or conducting other methods of positive identification that the bureau or Federal Bureau of Investigation (FBI) may require; (2) directs the bureau to conduct the state criminal history records check; and (3) if a national criminal history records check is requested, directs the bureau to submit the fingerprints or other positive identifying information to the FBI, unless the FBI permits the requesting party to submit such information to it directly.

The bill incorporates these procedures into existing statutes requiring criminal history records checks and some that specify fingerprinting for unspecified purposes. In many cases, it eliminates existing provisions identifying the entity that must make the request, making ambiguous provisions in the generic bill that are tied to the "requesting party."

The bill also requires checks of applicants for nursing home operator licenses and Connecticut Lottery Corporation contractors but eliminates checks currently required for people caring for children at retail "drop in" facilities.

The bill also establishes a generic fee structure, which replaces the specific fees prescribed under some of the affected laws.

Some of these changes are required to conform state laws to a federal law limiting the FBI's authority to conduct national criminal history records checks (P.L. 92-544).

EFFECTIVE DATE: July 1, 2001

CHANGES TO CURRENT LAWS

The bill's new procedures apply to, and replace existing requirements for checks of:

1. public school job applicants;
2. prospective Division of Special Revenue (DSR) employees and racetrack, fronton, parimutuel, casino, and lottery corporation license applicants;
3. school bus driver endorsement applicants;
4. applicants for jobs in licensed child day care facilities and homes;
5. unlicensed non-relative caregivers applying for child care subsidies under the Department of Social Services' (DSS) child care program;
6. unlicensed relative caregivers whom DSS suspects of having been convicted of a crime that makes them ineligible for child care subsidy payments;
7. job applicants for Correction Department positions that involve direct contact with inmates;
8. pawnbroker and precious metals dealer license applicants (as under current law, at the discretion of local police chiefs or first selectmen);
9. Department of Environmental Protection permit, registration, certificate, or other license applicants and proposed transferees (as under current law, at the department's discretion);

10. hand gun permit and eligibility certificate applicants;
11. bail bondsman, surety bail bond agent, and bail enforcement agent license applicants;
12. private detective and investigator and watchman, guard, and patrol service license applicants and their employees; and
13. applicants for licenses to store, transport, or use explosives.

Division of Special Revenue Employees and Licensees

The current statute requires prospective employees of the Division of Special Revenue and racetrack, jai alai fronton, parimutuel, and casino license applicants to be fingerprinted before being employed or licensed. It does not specify the purpose for doing so or mandate criminal history checks. (In practice or by regulation, the division does request these checks from the State Police.) The bill requires the division's executive director to require pre-employment and pre-licensing checks.

Current law also does not specifically require criminal history checks or fingerprinting of people applying to the division for occupational licenses required for Connecticut Lottery Corporation jobs. The bill requires them.

Bail Bondsman and Bail Enforcement Agent License Applicants

The bill requires people applying to DPS for licenses to be bail bondsmen and bail enforcement agents to submit to state and national criminal history checks. The law currently permits the department to ask bail bondsman or enforcement agent applicants for fingerprints. In the case of bondsmen, it does not specify the purpose for doing so; for enforcement agents, the department must submit the fingerprints to the FBI for a national criminal history record check.

Surety Bail Bond Agent License Applicants

Currently, applicants for a surety bail bond agent license from the insurance commissioner must submit to background investigation,

including of prior criminal activity. The Division of Criminal Justice must do the investigation. Under the bill, it must (1) require applicants to submit to state and national criminal history checks, and (2) continue to conduct the background investigation as well.

Private Detective and Investigator; and Watchman, Guard and Patrol Service License Applicants

Current law requires DPS to license private detectives and investigators and people, associations, corporations, and partnerships that provide private security services. Applicants must submit two complete sets of fingerprints for an unspecified purpose. The bill requires the DPS commissioner to require them to submit to state and national criminal history checks.

Private Security Service Employees

By law, when licensed private detectives, investigators, and security service businesses hire agents, operators, assistants, guards, watchmen, or patrolmen, the licensee must apply to DPS to register them and provide on a form sworn by the employee information, including about his convictions. The employees must also submit fingerprints, other information, and pay a fee. DPS must register them if it is satisfied that they are suitable.

The bill requires the DPS to require “applicants for a license” under this provision of the law to submit to state and national criminal history records checks. And it permits the commissioner to waive this requirement for employees when an entity re-employs them within six months. Since licenses are not authorized under this section of the law, it appears that this provision can have no legal effect.

Explosives Handlers

By law, people and businesses that store, transport, or use explosives must be licensed by DPS. They must submit fingerprints to the agency at the time of licensing, but there is no specific requirement in the law that the agency require state and national criminal history records checks. The bill requires DPS to do this.

ADDITIONAL ENTITIES REQUIRED TO SUBMIT TO CHECKS***Nursing Home Owner and Operator License Applicants***

Current law requires the State Police to assist the Public Health Department with criminal background investigations of people applying for licenses to establish, conduct, operate, or maintain a nursing home. Under the bill, applicants must submit to state and national criminal history checks instead.

Lottery Corporation Prime Contractors

The DSR director cannot award contracts for providing facilities, components, goods, or services to any person or corporation unless the bidder submits to a State Police background investigation or already has a special revenue vendor license. The bill requires such bidders to also submit to state and national criminal history background checks. It also specifies that the State Police background investigation must be in accordance with the statute governing the division's licensing of racetrack, jai alai, and off track betting personnel and entities. The statute cited in the bill does not address State Police investigations, but in practice the State Police does investigate the background of people seeking these licenses.

FEES

The bill permits DPS to pass on to state agencies the FBI's fee (currently \$24) when they request a national criminal history check. It specifies that agencies must reimburse DPS, and can pass this charge on to the individual identified in the request, unless the law requiring the particular check provides otherwise. By law or regulation, agencies currently pass on the FBI fee to school employees and bus drivers and child care personnel. Under the bill, they can pass on the fee to the other covered groups as well.

When a person asks for the check, DPS can charge them both the FBI fee and its own fee (if both national and state checks were requested).

BACKGROUND

Federal Law

Under Public Law 92-544, the FBI can comply with states' requests for national criminal records checks only if the state law:

1. authorizes it,
2. requires fingerprinting of the applicant,
3. expressly or by implication authorizes use of FBI records for screening the applicant,
4. is not against public policy, and
5. specifically identifies the category of applicants or licensees for which FBI checks are authorized.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 40 Nay 0