



House of Representatives

File No. 1027

General Assembly

January Session, 2019

(Reprint of File No. 434)

House Bill No. 7333
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2019

**AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS OF
VOLUNTEER FIREFIGHTERS AND CERTAIN EMPLOYEES OF QUASI-
PUBLIC AGENCIES.**

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

1 Section 1. Section 1-125 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) The directors, officers and employees of Connecticut
4 Innovations, Incorporated, the Connecticut Higher Education
5 Supplemental Loan Authority, the Connecticut Student Loan
6 Foundation, the Connecticut Housing Finance Authority, the
7 Connecticut Housing Authority, the Materials Innovation and
8 Recycling Authority, including ad hoc members of the Materials
9 Innovation and Recycling Authority, the Connecticut Health and
10 Educational Facilities Authority, the Capital Region Development
11 Authority, the Connecticut Airport Authority, the Connecticut Lottery
12 Corporation, the Connecticut Health Insurance Exchange, the
13 Connecticut Green Bank, the Connecticut Retirement Security
14 Authority, the Connecticut Port Authority and the State Education

15 Resource Center and any person executing the bonds or notes of the
16 agency shall not be liable personally on such bonds or notes or be
17 subject to any personal liability or accountability by reason of the
18 issuance thereof, nor shall any director or employee of the agency,
19 including ad hoc members of the Materials Innovation and Recycling
20 Authority, be personally liable for damage or injury, not wanton,
21 reckless, wilful or malicious, caused in the performance of his or her
22 duties and within the scope of his or her employment or appointment
23 as such director, officer or employee, including ad hoc members of the
24 Materials Innovation and Recycling Authority. The agency shall
25 protect, save harmless and indemnify its directors, officers or
26 employees, including ad hoc members of the Materials Innovation and
27 Recycling Authority, from financial loss and expense, including legal
28 fees and costs, if any, arising out of any claim, demand, suit or
29 judgment by reason of alleged negligence or alleged deprivation of any
30 person's civil rights or any other act or omission resulting in damage
31 or injury, if the director, officer or employee, including ad hoc
32 members of the Materials Innovation and Recycling Authority, is
33 found to have been acting in the discharge of his or her duties or
34 within the scope of his or her employment and such act or omission is
35 found not to have been wanton, reckless, wilful or malicious.

36 (b) For each position of employment with a quasi-public agency, as
37 defined in section 1-120, that involves access to federal tax information,
38 the employing quasi-public agency shall, subject to the provisions of
39 section 31-51i, require each applicant for, each employee applying for
40 transfer to, and, at least every ten years, each current employee in such
41 a position, to (1) state in writing whether such applicant or employee
42 has been convicted of a crime or whether criminal charges are pending
43 against such applicant or employee at the time of making such written
44 statement and, if so, to identify the charges and court in which such
45 charges are pending, and (2) be fingerprinted and submit to state and
46 national criminal history records checks conducted in accordance with
47 section 29-17a, as amended by this act.

48 Sec. 2. Section 29-17a of the general statutes is repealed and the

49 following is substituted in lieu thereof (*Effective July 1, 2019*):

50 (a) If a criminal history records check is required pursuant to any
51 provision of the general statutes, such check shall be requested from
52 the State Police Bureau of Identification and shall be applicable to the
53 individual identified in the request. The requesting party shall arrange
54 for the fingerprinting of the individual or for conducting any other
55 method of positive identification required by the State Police Bureau of
56 Identification and, if a national criminal history records check is
57 requested, by the Federal Bureau of Investigation. The fingerprints or
58 other positive identifying information shall be forwarded to the State
59 Police Bureau of Identification which shall conduct a state criminal
60 history records check. If a national criminal history records check is
61 requested, the State Police Bureau of Identification shall submit the
62 fingerprints or other positive identifying information to the Federal
63 Bureau of Investigation for a national criminal history records check,
64 unless the Federal Bureau of Investigation permits direct submission of
65 the fingerprints or other positive identifying information by the
66 requesting party.

67 (b) The Commissioner of Emergency Services and Public Protection
68 may charge fees for conducting criminal history background checks as
69 follows:

70 (1) Except as provided in subdivision (2) or (3) of this subsection, for
71 a person requesting (A) a state criminal history records check, the fee
72 charged by the Department of Emergency Services and Public
73 Protection for performing such check, and (B) a national criminal
74 history records check, the fee charged by the Federal Bureau of
75 Investigation for performing such check.

76 (2) For a state agency requesting a national criminal history records
77 check of a person, the fee charged by the Federal Bureau of
78 Investigation for performing such check. The state agency shall
79 reimburse the Department of Emergency Services and Public
80 Protection for such cost. Unless otherwise provided by the provision of

81 the general statutes requiring the criminal history records check, the
82 state agency may charge the person a fee equal to the amount paid by
83 the state agency under this subdivision.

84 (3) For an individual requesting a state or national criminal history
85 records check related to such individual's service as a volunteer
86 firefighter, the department may not charge a fee.

87 (c) The Commissioner of Emergency Services and Public Protection
88 may provide an expedited service for persons requesting criminal
89 history records checks in accordance with this section. Such expedited
90 service shall include making the results of such records checks
91 available to the requesting party through the Internet. The
92 commissioner may enter into a contract with any person, firm or
93 corporation to establish and administer such expedited service. The
94 commissioner shall charge, in addition to the fees charged pursuant to
95 subsection (b) of this section, a fee of fifty dollars for each expedited
96 criminal history record check provided. The fee charged pursuant to
97 subsection (b) of this section and the expedited service fee charged
98 pursuant to this subsection shall be paid by the requesting party in
99 such manner as may be required by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	1-125
Sec. 2	July 1, 2019	29-17a

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: See Below

Explanation

The bill requires staff members of quasi-public agencies who have access to federal tax information to be fingerprinted and submit to state and federal criminal history checks. There is a cost to these quasi-public agencies of \$65 per background check (\$15 for the fingerprint and \$50 for the history check). This requirement results in a corresponding revenue gain to the Department of Emergency Services and Public Protection (DESPP) of \$50 per criminal history check.

The amendment also prohibits DESPP from charging volunteer firefighters for criminal history checks, resulting in a revenue loss of \$50 per check to DESPP.

House "A" struck the underlying bill which made technical changes to public safety statutes, and includes the requirements with the associated fiscal impacts noted above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject the number of affected quasi-public agency employees, and any change in fees associated with background checks.

OLR Bill Analysis**HB 7333 (as amended by House "A")******AN ACT CONCERNING PUBLIC SAFETY.*****SUMMARY**

Under this bill, quasi-public agencies must require certain current and prospective employees to provide certain information, be fingerprinted, and submit to state and national criminal history records checks. These requirements apply to (1) applicants for, and employees applying for or transferring to, positions that involve access to federal tax information and (2) each current employee in such a position at least every 10 years.

The bill requires the applicants or employees to state in writing whether they have been convicted of a crime or whether criminal charges are pending against them at the time of making the statement. If charges are pending, the applicants or employees must identify the charges and court in which they are pending.

The bill also prohibits the Department of Emergency Services and Public Protection (DESPP) from charging a fee to individuals requesting a state or national criminal history records check related to their service as a volunteer firefighter. Under existing law, the fee for a criminal history record check is \$75 (CGS § 29-11(c)(7)).

*House Amendment "A" replaces the original bill (File 434) which made technical changes to the DESPP statutes.

EFFECTIVE DATE: July 1, 2019

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 18 Nay 6 (03/19/2019)