

2013 -- H 5539 SUBSTITUTE A

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LC01157/SUB A  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL PROCEDURE - NATIONAL CRIMINAL RECORDS CHECK  
SYSTEM

Introduced By: Representatives Naughton, Kennedy, Diaz, Williams, and Slater

Date Introduced: February 14, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 12 of the General Laws entitled "CRIMINAL PROCEDURE" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 1.6

4 NATIONAL CRIMINAL RECORDS CHECK SYSTEM

5 **12-1.6-1. Automated fingerprint identification system database.** -- The department of  
6 attorney general may establish and maintain an automated fingerprint identification system  
7 database that would allow the department to store and maintain all fingerprints submitted in  
8 accordance with the national criminal records check system. The automated fingerprint  
9 identification system database would provide for an automatic notification if, and when, a  
10 subsequent criminal arrest fingerprint card is submitted to the system and matches a set of  
11 fingerprints previously submitted in accordance with a national criminal records check. If the  
12 aforementioned arrest results in a conviction, the department shall immediately notify those  
13 individuals and entities with which that individual is associated and who are required to be  
14 notified of disqualifying information concerning national criminal records checks as provided in  
15 chapters 23-17, 23-17.4, 23-17.7.1, or section 23-1-52. The information in the database  
16 established under this section is confidential and not subject to disclosure under the access to  
17 public records act, chapter 2 of title 38 of the general laws.

18 **12-1.6-2. Long-term health care workers.** -- The department of the attorney general

1 shall maintain an electronic web-based system to assist facilities, licensed under chapters 23-17,  
2 23-17.4, 23-17.7.1 or section 23-1-52, required to check relevant registries and conduct national  
3 criminal records checks of routine contact patient employees. The department of the attorney  
4 general shall provide for an automated notice, as authorized in section 12-1.6-1, to those facilities  
5 if a routine contact patient employee is subsequently convicted of a disqualifying offense, as  
6 described in the relevant licensing statute. The department of the attorney general may charge a  
7 facility a one-time set up fee of up to one hundred dollars (\$100) for access to the electronic web-  
8 based system under this section.

9 **12-1.6-3. Immunity from liability.** -- The department of attorney general, the  
10 department of health, or an employer who disqualifies an applicant from employment or  
11 continued employment on the basis of a disqualification notice as described in section 12-1.6-2 or  
12 of a national criminal records check relating to disqualifying information shall not be liable for  
13 civil damages or subject to any claim, demand, cause of action, or proceeding of any nature as a  
14 result of the disqualification.

15 **12-1.6-4. Rules and regulations.** – The department of attorney general may promulgate  
16 rules and regulations to carry out the intent of this chapter.

17 SECTION 2. Section 23-1-52 of the General Laws in Chapter 23-1 entitled "Department  
18 of Health" is hereby amended to read as follows:

19 **23-1-52. Adult day care program licensure.** – (a) The director is authorized and  
20 directed to establish a program for the licensure of adult day care programs. "Adult day care  
21 program" shall mean a comprehensive, nonresidential program designed to address the biological,  
22 psychological, and social needs of adults through individual plans of care that incorporate, as  
23 needed, a variety of health, social and related support services in a protective setting. The director  
24 is further authorized to promulgate regulations as he or she deems necessary to implement these  
25 provisions.

26 (b) Any person seeking employment in any adult day care facility licensed herein and  
27 having routine contact with an adult day care client or having access to such a client's belongings  
28 or funds shall undergo a national criminal records check, which shall include fingerprints  
29 submitted to the federal bureau of investigation (FBI) by the bureau of criminal identification of  
30 the department of the attorney general. The national criminal records check shall be processed  
31 prior to or within one week of employment. All persons who, as of June 30, 2014, are already  
32 employed by an adult day care facility and all persons who, as of such date, already provide  
33 services under this section shall be exempted from the requirements of this section for purposes  
34 of their current employment only.

1           (1) The director may by rule, identify those positions requiring national criminal records  
2 checks. The employee, through the employer, shall apply to the bureau of criminal identification  
3 of the department of the attorney general for a national criminal records check. Upon the  
4 discovery of any disqualifying information as defined in subsection 23-1-52(c) and in accordance  
5 with rules promulgated by the director, the bureau of criminal identification of the department of  
6 the attorney general shall inform the applicant in writing of the nature of the disqualifying  
7 information; and, without disclosing the nature of the disqualifying information, shall notify the  
8 employer in writing that disqualifying information has been discovered.

9           (2) An employee against whom disqualifying information has been found may provide a  
10 copy of the national criminal records check to the employer. The employer shall make a judgment  
11 regarding the continued employment of the employee.

12           (3) In those situations in which no disqualifying information has been found, the bureau  
13 of criminal identification of the department of the attorney general shall inform the applicant and  
14 the employer in writing of this fact.

15           (4) The employer shall maintain on file, subject to inspection by the department of health,  
16 evidence that statewide criminal records checks have been initiated on all employees seeking  
17 employment between January 1, 2008 and June 29, 2014, and the results of the checks. The  
18 employer shall maintain on file, subject to inspection by the department, evidence that national  
19 criminal records checks have been initiated on all employees seeking employment on or after  
20 June 30, 2014, and the results of those checks. Failure to maintain that evidence may be grounds  
21 to revoke the license or registration of the employer.

22           (5) The employee shall be responsible for the cost of conducting the national criminal  
23 records check through the bureau of criminal identification of the department of the attorney  
24 general.

25           (c) Information produced by a national criminal records check pertaining to conviction,  
26 for the following crimes will result in a letter to the employee and employer disqualifying the  
27 applicant from employment: murder, voluntary manslaughter, involuntary manslaughter, first  
28 degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons  
29 sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery,  
30 rape, burglary, or the abominable and detestable crimes against nature), felony assault, patient  
31 abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug  
32 offenses, felony obtaining money under false pretenses, felony embezzlement, abuse, neglect  
33 and/or exploitation of adults with severe impairments, exploitation of elders, felony larceny, or  
34 felony banking law violations, or a crime under section 1128(a) of the Social Security Act (42

1 [U.S.C. section 1320a-7\(a\)](#)). [An employee against whom disqualifying information has been found](#)  
2 [may provide a copy of the national criminal records check to the employer who shall make a](#)  
3 [judgment regarding the continued employment of the employee. For purposes of this subsection,](#)  
4 [“conviction” means, in addition to judgments of conviction entered by a court subsequent to a](#)  
5 [finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of](#)  
6 [nolo contendere and has received a sentence of probation and those instances where a defendant](#)  
7 [has entered into a deferred sentence agreement with the attorney general.](#)

8 SECTION 3. Sections 23-17-34 and 23-17-37 of the General Laws in Chapter 23-17  
9 entitled "Licensing of Health Care Facilities" are hereby amended to read as follows:

10 **23-17-34. Criminal records review -- Nursing facilities -- Home nursing care**  
11 **providers and home care providers.** -- (a) Any person seeking employment in a nursing facility,  
12 a home nursing care provider, [hospice provider](#) or a home care provider which is or is required to  
13 be licensed, registered or certified with the department of health if that employment involves  
14 routine contact with a patient or resident without the presence of other employees, shall undergo a  
15 [national criminal ~~background~~ records check which shall include fingerprints submitted to the](#)  
16 [federal bureau of investigation \(FBI\) by the bureau of criminal identification of the department of](#)  
17 [the attorney general. The national criminal records check shall ~~to~~ be initiated prior to or within](#)  
18 [one week of employment. ~~All employees hired prior to the enactment of this section shall be~~](#)  
19 [exempted from the requirements of this section. All persons who, as of June 30, 2014, are already](#)  
20 [employed by a covered facility or provider and all persons who, as of such date, already provide](#)  
21 [services under this chapter shall be exempted from the requirements of this section for purposes](#)  
22 [of their current employment only.](#)

23 (b) The director of the department of health may by rule identify those positions requiring  
24 criminal ~~background~~ [records](#) checks. The identified employee, through the employer, shall apply  
25 to the bureau of criminal identification of the ~~state police or local police~~ department [of the](#)  
26 [attorney general](#) for a [statewide national](#) criminal records check. ~~Fingerprinting shall not be~~  
27 ~~required.~~ Upon the discovery of any disqualifying information as defined in section 23-17-37 and  
28 in accordance with the rule promulgated by the director of health, the bureau of criminal  
29 identification of the ~~state police or the local police~~ department [of the attorney general](#) will inform  
30 the applicant, in writing, of the nature of the disqualifying information; and, without disclosing  
31 the nature of the disqualifying information, will notify the employer, in writing, that disqualifying  
32 information has been discovered.

33 (c) An employee against whom disqualifying information has been found may [provide](#)  
34 ~~request that a~~ copy of the [national criminal records check](#) ~~background report be sent~~ to the

1 employer who shall make a judgment regarding the continued employment of the employee.

2 (d) In those situations in which no disqualifying information has been found, the bureau  
3 of criminal identification of the ~~state police or the local police~~ department of the attorney general  
4 shall inform the applicant and the employer, in writing, of this fact.

5 (e) The employer shall maintain on file, subject to inspection by the department of  
6 health, evidence that statewide criminal records checks have been initiated on all employees  
7 seeking employment ~~after~~ between October 1, 1991 and June 29, 2014, and the results of the  
8 checks. The employer shall maintain on file, subject to inspection by the department of health,  
9 evidence that national criminal records checks have been initiated on all employees seeking  
10 employment on or after June 30, 2014, and the results of those checks. Failure to maintain that  
11 evidence would be grounds to revoke the license or registration of the employer.

12 (f) ~~It shall be the responsibility of the bureau of criminal identification of the state police~~  
13 ~~or the local police department to conduct the criminal records check to the applicant for~~  
14 ~~employment without charge to either the employee or the employer.~~ The employee shall be  
15 responsible for the cost of conducting the national criminal records check through the bureau of  
16 criminal identification of the department of the attorney general.

17 **23-17-37. Disqualifying information.** -- (a) Information produced by a national criminal  
18 records ~~review~~ check pertaining to conviction, for the following crimes will result in a letter to  
19 the employee and employer disqualifying the applicant from employment: murder, voluntary  
20 manslaughter, involuntary manslaughter, first degree sexual assault, second degree sexual assault,  
21 third degree sexual assault, assault on persons sixty (60) years of age or older, assault with intent  
22 to commit specified felonies (murder, robbery, rape, burglary, or the abominable and detestable  
23 crime against nature) felony assault, patient abuse, neglect or mistreatment of patients, burglary,  
24 first degree arson, robbery, felony drug offenses, felony larceny, or felony banking law violations  
25 felony obtaining money under false pretenses, felony embezzlement, abuse, neglect and/or  
26 exploitation of adults with severe impairments, exploitation of elders, or a crime under section  
27 1128(a) of the social security act (42 U.S.C. section 1320a-7(a)). An employee against whom  
28 disqualifying information has been found may ~~request that~~ provide a copy of the national criminal  
29 ~~background report be sent~~ records check to the employer who shall make a judgment regarding  
30 the continued employment of the employee.

31 (b) For purposes of this section, "conviction" means, in addition to judgments of  
32 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
33 where the defendant has entered a plea of nolo contendere and has received a sentence of  
34 probation and those instances where a defendant has entered into a deferred sentence agreement

1 with the attorney general.

2 SECTION 4. Chapter 23-17 of the General Laws entitled "Licensing of Health Care  
3 Facilities" is hereby amended by adding thereto the following section:

4 **23-17-60. Criminal records review - long-term care hospital.** – (a) For the purposes of  
5 this section, a “long-term care hospital” shall mean a facility as described in 42 U.S.C. section  
6 1395ww(d)(1)(iv), which receives payment for inpatient services it provides to Medicare  
7 beneficiaries pursuant to 42 U.S.C. section 1395ww(m).

8 (b) Any person seeking employment in any long-term care hospital having routine  
9 contact with a long-term care hospital patient or having access to such a patient’s belongings or  
10 funds shall undergo a national criminal records check, which shall include fingerprints submitted  
11 to the federal bureau of investigation (FBI) by the bureau of criminal identification of the  
12 department of the attorney general. The national criminal records check shall be processed prior  
13 to or within one week of employment. All persons who, as of June 30, 2014, are already  
14 employed by a long-term care hospital and all persons who, as of such date, already provide  
15 services under this section shall be exempted from the requirements of this section for purposes  
16 of their current employment only.

17 (1) The director may by rule identify those positions requiring national criminal records  
18 checks. The employee, through the employer, shall apply to the bureau of criminal identification  
19 of the department of the attorney general for a national criminal records check. Upon the  
20 discovery of any disqualifying information as defined in subsection 23-17-60(c) and in  
21 accordance with the rule promulgated by the director, the bureau of criminal identification of the  
22 department of the attorney general shall inform the applicant in writing of the nature of the  
23 disqualifying information; and, without disclosing the nature of the disqualifying information,  
24 shall notify the employer in writing that disqualifying information has been discovered.

25 (2) An employee against whom disqualifying information has been found may provide a  
26 copy of the national criminal records report to the employer. The employer shall make a judgment  
27 regarding the continued employment of the employee.

28 (3) In those situations in which no disqualifying information has been found, the bureau  
29 of criminal identification of the department of the attorney general shall inform the applicant and  
30 the employer in writing of this fact.

31 (4) The employer shall maintain on file, subject to inspection by the department, evidence  
32 that statewide criminal records checks have been initiated on all employees seeking employment  
33 between October 1, 1991 and June 29, 2014, and the results of the checks. The employer shall  
34 maintain on file, subject to inspection by the department, evidence that national criminal records

1 checks have been initiated on all employees seeking employment on or after June 30, 2014, and  
2 the results of those checks. Failure to maintain that evidence would be grounds to revoke the  
3 license or registration of the employer.

4 (5) The employee shall be responsible for the cost of conducting the national criminal  
5 records check through the bureau of criminal identification of the department of the attorney  
6 general.

7 (c) Information produced by a national criminal records check pertaining to conviction,  
8 for the following crimes will result in a letter to the employee and employer disqualifying the  
9 applicant from employment: murder, voluntary manslaughter, involuntary manslaughter, first  
10 degree sexual assault, second degree sexual assault, third degree sexual assault, assault on persons  
11 sixty (60) years of age or older, assault with intent to commit specified felonies (murder, robbery,  
12 rape, burglary, or the abominable and detestable crimes against nature), felony assault, patient  
13 abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery, felony drug  
14 offenses, felony obtaining money under false pretenses, felony embezzlement, abuse, neglect  
15 and/or exploitation of adults with severe impairments, exploitation of elders, felony larceny, or  
16 felony banking law violations, or a crime under section 1128(a) of the Social Security Act (42  
17 U.S.C. section 1320a-7(a)). An employee against whom disqualifying information has been found  
18 may provide a copy of the national criminal records check to the employer who shall make a  
19 judgment regarding the continued employment of the employee. For purposes of this subsection,  
20 “conviction” means, in addition to judgments of conviction entered by a court subsequent to a  
21 finding of guilty or a plea of guilty, those instances where the defendant has entered a plea of  
22 nolo contendere and has received a sentence of probation and those instances where a defendant  
23 has entered into a deferred sentence agreement with the attorney general.

24 SECTION 5. Sections 23-17.4-27 and 23-17.4-30 of the General Laws in Chapter 23-  
25 17.4 entitled "Assisted Living Residence Licensing Act" are hereby amended to read as follows:

26 **23-17.4-27. Criminal records review.** -- (a) Any person seeking employment in any  
27 assisted living residence licensed under this act and having routine contact with a resident or  
28 having access to a resident's belongings or funds shall undergo a national criminal background  
29 records check ~~to~~ which shall include fingerprints submitted to the federal bureau of investigation  
30 (FBI) by the bureau of criminal identification of the department of the attorney general. The  
31 national criminal records check shall be processed prior to or within one week of employment.  
32 ~~All employees hired prior to the enactment of this section shall be exempted from the~~  
33 ~~requirements of this section.~~ All persons who, as of June 30, 2014, are already employed by an  
34 assisted living residence and all persons who, as of such date, already provide services under this

1 chapter, shall be exempted from the requirements of this section for purposes of their current  
2 employment only.

3 (b) The director of the department of health may by rule identify those positions requiring  
4 national criminal ~~background records~~ checks. The employee, through the employer, shall apply to  
5 the bureau of criminal identification of the ~~state police or local police~~ department of the attorney  
6 general for a ~~statewide~~ national criminal records check. ~~Fingerprinting shall not be required.~~  
7 Upon the discovery of any disqualifying information as defined in section 23-17.4-30 and in  
8 accordance with the rule promulgated by the director of health, the bureau of criminal  
9 identification of the ~~state police or the local police~~ department of the attorney general will inform  
10 the applicant in writing of the nature of the disqualifying information; and, without disclosing the  
11 nature of the disqualifying information, will notify the employer in writing that disqualifying  
12 information has been discovered.

13 (c) An employee against whom disqualifying information has been found may ~~request~~  
14 ~~that provide~~ a copy of the national criminal ~~background report be sent~~ records check to the  
15 employer. The administrator shall make a judgment regarding the continued employment of the  
16 employee.

17 (d) In those situations in which no disqualifying information has been found, the bureau  
18 of criminal identification (BCI) of the ~~state police or the local police~~ department of the attorney  
19 general shall inform the applicant and the employer in writing of this fact.

20 (e) The employer shall maintain on file, subject to inspection by the department of  
21 health, evidence that statewide criminal records checks have been initiated on all employees  
22 seeking employment ~~between~~ after October 1, 1991 and June 29, 2014, and the results of the  
23 checks. The employer shall maintain on file, subject to inspection by the department of health,  
24 evidence that national criminal records checks have been initiated on all employees seeking  
25 employment on or after June 30, 2014, and the results of those checks. Failure to maintain that  
26 evidence would be grounds to revoke the license or registration of the employer.

27 ~~(f) It shall be the responsibility of the bureau of criminal identification (BCI) of the state~~  
28 ~~police or the local police department to conduct the criminal records check to the applicant for~~  
29 ~~employment without charge to either the employee or employer. The employee shall be~~  
30 responsible for the cost of conducting the national criminal records check through the bureau of  
31 criminal identification of the department of the attorney general.

32 **23-17.4-30. Disqualifying information.** -- (a) Information produced by a national  
33 criminal records ~~review~~ check pertaining to conviction, for the following crimes will result in a  
34 letter to the employee and employer disqualifying the applicant from employment: murder,

1 voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree  
2 sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older,  
3 assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the  
4 abominable and detestable crime against nature) felony assault, patient abuse, neglect or  
5 mistreatment of patients, burglary, first degree arson, robbery, felony drug offenses, [felony](#)  
6 [obtaining money under false pretenses, felony embezzlement, abuse, neglect and/or exploitation](#)  
7 [of adults with severe impairments, exploitation of elders, felony](#) larceny or felony banking law  
8 violations [or a crime under section 1128\(a\) of the social security act \(42 U.S.C. section 1320a-](#)  
9 [7\(a\)\)](#). An employee against whom disqualifying information has been found may ~~request that~~  
10 [provide](#) a copy of the criminal ~~background report be sent~~ [records check](#) to the employer who shall  
11 make a judgment regarding the continued employment of the employee.

12 (b) For purposes of this section, "conviction" means, in addition to judgments of  
13 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
14 where the defendant has entered a plea of nolo contendere and has received a sentence of  
15 probation and those instances where a defendant has entered into a deferred sentence agreement  
16 with the attorney general.

17 SECTION 6. Sections 23-17.7.1-17 and 23-17.7.1-20 of the General Laws in Chapter 23-  
18 17.7.1 entitled "Licensing of Nursing Service Agencies" are hereby amended to read as follows:

19 **23-17.7.1-17. Criminal records review.** -- (a) Any person seeking employment in a  
20 facility which is or is required to be licensed or registered with the department of health if that  
21 employment involves routine contact with a patient or resident without the presence of other  
22 employees, shall undergo a [national](#) criminal ~~background~~ [records](#) check, which shall [include](#)  
23 [fingerprints submitted to the federal bureau of investigation \(FBI\) by the bureau of criminal](#)  
24 [identification of the department of the attorney general. The national criminal records check shall](#)  
25 be initiated prior to, or within one week of, employment. ~~All employees hired prior to the~~  
26 ~~enactment of this section shall be exempted from the requirements of this section. All persons~~  
27 [who, as of June 30, 2014, are already employed by a covered facility and all persons who, as of](#)  
28 [such date, already provide services under this chapter shall be exempt from the requirements of](#)  
29 [this section for purposes of their current employment only.](#)

30 (b) The director of the department of health may, by rule, identify those positions  
31 requiring [national](#) criminal ~~background~~ [records](#) checks. The employee, through the employer,  
32 shall apply to the bureau of criminal identification of the ~~state police or local police~~ department [of](#)  
33 [the attorney general](#) for a [national](#) ~~statewide~~ criminal records check. ~~Fingerprinting shall not be~~  
34 ~~required.~~ Upon the discovery of any disqualifying information as defined in section 23-17.7.1-20

1 and in accordance with the rule promulgated by the director of the department of health, the  
2 bureau of criminal identification of the ~~state police or the local police~~ department of the attorney  
3 general will inform the applicant, in writing, of the nature of the disqualifying information; and,  
4 without disclosing the nature of the disqualifying information, will notify the employer, in  
5 writing, that disqualifying information has been discovered.

6 (c) An employee against whom disqualifying information under section 23-17.7.1-20(b)  
7 has been found may ~~request that~~ provide a copy of the national criminal ~~background report be~~  
8 ~~sent~~ records check to the employer who shall make a judgment regarding the continued  
9 employment of the employee.

10 (d) In those situations in which no disqualifying information has been found, the bureau  
11 of criminal identification of the ~~state police or the local police~~ department of the attorney general  
12 shall inform the applicant and the employer, in writing, of this fact.

13 (e) The employer shall maintain on file, subject to inspection by the department of  
14 health, evidence that criminal records checks have been initiated on all employees seeking  
15 employment between October 1, 1991 and June 29, 2014, and the results of the checks. The  
16 employer shall maintain on file, subject to inspection by the department of health, evidence that  
17 national criminal records checks have been initiated on all employees seeking employment on or  
18 after June 30, 2014, and the results of those checks. Failure to maintain that evidence would be  
19 grounds to revoke the license or registration of the employer.

20 (f) ~~It shall be the responsibility of the bureau of criminal identification of the state police~~  
21 ~~or the local police department to conduct the criminal records check to the applicant for~~  
22 ~~employment without charge to either the employee or the employer. The employee shall be~~  
23 responsible for the cost of conducting the national criminal records check through the bureau of  
24 criminal identification of the department of the attorney general.

25 **23-17.7.1-20. Disqualifying information.** -- (a) Information produced by a national  
26 criminal records ~~review~~ check pertaining to conviction, for the following crimes will result in a  
27 letter to the employee and employer disqualifying the applicant from the employment: murder,  
28 voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second degree  
29 sexual assault, third degree sexual assault, assault on persons sixty (60) years of age or older,  
30 assault with intent to commit specified felonies (murder, robbery, rape, burglary, or the  
31 abominable and detestable crime against nature), felony assault, patient abuse, neglect or  
32 mistreatment of patients, first degree arson, robbery, felony drug offenses, ~~larceny, or felony~~  
33 ~~banking law violations~~ felony obtaining money under false pretenses, felony embezzlement,  
34 abuse, neglect, and/or exploitation of adults with severe impairments, exploitation of elders,

1 [felony larceny, or felony banking law violations or a crime under section 1128\(a\) of the social](#)  
2 [security act \(42 U.S.C. section 1320a-7\(a\)\).](#)

3 (b) Information produced by a [national](#) criminal records ~~review~~ [check](#) pertaining to  
4 convictions for crimes other than those listed in subsection (a) of this section shall entitle, but not  
5 obligate the employer to decline to hire the applicant. An employee against whom conviction  
6 information related to this subsection has been found may ~~request that~~ [provide](#) a copy of the  
7 [national](#) criminal ~~background report be sent~~ [records check](#) to the employer who shall make a  
8 determination regarding the continued employment of the employee.

9 (c) For purposes of this section "conviction" means, in addition to judgments of  
10 conviction entered by a court subsequent to a finding of guilty or a plea of guilty, those instances  
11 where the defendant has entered a plea of nolo contendere and has received a sentence of  
12 probation and those instances where a defendant has entered into a deferred sentence agreement  
13 with the attorney general.

14 SECTION 7. Section 1 of this act shall take effect upon passage. Sections 2, 3, 4, 5 and 6  
15 shall take effect on June 30, 2014.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL PROCEDURE - NATIONAL CRIMINAL RECORDS CHECK  
SYSTEM

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1           This act would expand the type of criminal records check required for persons applying  
2 to be routine contact patient employees in a long-term facility or provider.

3           Section 1 of this act would take effect upon passage. Sections 2, 3, 4, 5 and 6 would take  
4 effect on June 30, 2014.

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