

1 AN ACT relating to criminal history record checks.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section, "emergency placement" means those limited instances*  
6 *when the Cabinet for Health and Family Services' Department for Community*  
7 *Based Services is placing a child in the home of private individuals, including*  
8 *neighbors, friends, or relatives, as a result of a sudden unavailability of the*  
9 *child's primary caregiver.*

10 *(2) (a) During an emergency placement when a child must be placed in home care*  
11 *due to the absence of parents or custodians, the Department for Community*  
12 *Based Services may request that a criminal justice agency perform a federal*  
13 *name-based criminal history record check of each adult residing in the*  
14 *home;*

15 *(b) Name-based check results may be provided to the Department for*  
16 *Community Based Services, which shall then provide a complete set of each*  
17 *adult resident's fingerprints to the Department of Kentucky State Police for*  
18 *the immediate submission to the Federal Bureau of Investigation within*  
19 *fourteen (14) calendar days from the date the name search was conducted;*

20 *(c) The Department of Kentucky State Police shall either positively identify the*  
21 *fingerprint subject or forward the fingerprints to the Federal Bureau of*  
22 *Investigation within fifteen (15) calendar days from the day the name*  
23 *search was conducted; and*

24 *(d) The child shall be removed from the home immediately if any adult resident*  
25 *fails to provide his or her fingerprints and written permission to perform a*  
26 *federal criminal history record check when requested.*

27 *(3) When placement of a child in a home is denied as a result of a name-based*

1 criminal history record check of a resident, and the resident contests that denial,  
2 each contesting resident shall, within fifteen (15) calendar days, submit to the  
3 Department for Community Based Services a complete set of the resident's  
4 fingerprints with written permission allowing the Department for Community  
5 Based Services to forward the fingerprints to the Department of Kentucky State  
6 Police for submission to the Federal Bureau of Investigation.

7 (4) The Department of Kentucky State Police and the Federal Bureau of  
8 Investigation may each charge a reasonable fee for processing a fingerprint-  
9 based criminal history record check.