

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 140

Introduced by Lautenbaugh, 18.

Read first time January 07, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend section
2 81-6,120, Revised Statutes Cumulative Supplement, 2010;
3 to change provisions relating to criminal background
4 checks required for transportation services; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-6,120, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 81-6,120 (1) No individual who has been convicted of a
4 felony or of any crime involving moral turpitude, or who has been
5 charged with or indicted for a felony or crime involving moral
6 turpitude and there has been no final resolution of the prosecution
7 of the crime, shall provide transportation services under contract
8 with the Department of Health and Human Services, whether as an
9 employee or as a volunteer, for vulnerable adults as defined in
10 section 28-371 or for persons under nineteen years of age.

11 (2) In order to assure compliance with subsection (1) of
12 this section, any individual who will be providing such
13 transportation services to such vulnerable adults or persons under
14 nineteen years of age and any individual who is providing such
15 services on August 30, 2009, shall be subject to a national criminal
16 history record ~~information-background check by acceptable to the~~
17 Department of Health and Human Services. ~~through the Nebraska State~~
18 ~~Patrol.~~

19 (3) In addition to the national criminal history record
20 ~~information-background check~~ required in subsection (2) of this
21 section, all individuals employed to provide transportation services
22 under contract with the Department of Health and Human Services to
23 vulnerable adults or persons under nineteen years of age shall submit
24 to a national criminal history record ~~information-background check~~
25 every two years during the period of such employment.

1 ~~(4) Individuals shall submit two full sets of~~
2 ~~fingerprints to the Nebraska State Patrol to be submitted to the~~
3 ~~Federal Bureau of Investigation for the national criminal history~~
4 ~~record information check required under this section. The individual~~
5 ~~shall pay the actual cost of fingerprinting and the national criminal~~
6 ~~history record information check.~~

7 ~~(5)(a)-(4)~~ Individuals shall authorize release of the
8 results and contents of a national criminal history record
9 ~~information background~~ check under this section to the employer and
10 the Department of Health and Human Services as provided in this
11 section.

12 ~~(b) The Nebraska State Patrol shall not release the~~
13 ~~contents of a national criminal history record information check~~
14 ~~under this section to the employer or the individual but shall only~~
15 ~~indicate in writing to the employer and the individual whether the~~
16 ~~individual has a criminal record.~~

17 ~~(c) The Nebraska State Patrol shall release the results~~
18 ~~and the contents of a national criminal history record information~~
19 ~~check under this section in writing to the department in accordance~~
20 ~~with applicable federal law.~~

21 ~~(6)-(5)~~ The Department of Health and Human Services may
22 develop and implement policies that provide for administrative
23 exceptions to the prohibition in ~~subsection (1)~~ subsections (1) and
24 (2) of this section, including, but not limited to, situations in
25 which relatives of the vulnerable adult or person under nineteen

1 years of age provide transportation services for such vulnerable
2 adult or person under nineteen years of age or situations in which
3 the circumstances of the crime or the elapsed time since the
4 commission of the crime do not warrant the prohibition. Any decision
5 made by the department regarding an administrative exception under
6 this section is discretionary and is not appealable.

7 ~~(7)~~ (6) An individual who does not comply with this
8 section is guilty of a Class V misdemeanor.

9 Sec. 2. Original section 81-6,120, Revised Statutes
10 Cumulative Supplement, 2010, is repealed.