

**2017 -- H 6059 SUBSTITUTE A**

LC002360/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

A N A C T

RELATING TO CRIMINAL PROCEDURE - IDENTIFICATION AND APPREHENSION OF  
CRIMINALS

Introduced By: Representatives Knight, Craven, McEntee, Keable, and Vella-Wilkinson

Date Introduced: March 31, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 12-1 of the General Laws entitled "Identification and Apprehension  
2 of Criminals" is hereby amended by adding thereto the following section:

3 **12-1-17. Background checks for employees of religious organizations.**

4 (a) In order to assist Rhode Island's religious organizations and houses of worship  
5 (hereinafter religious organization) with the ability to ensure that their staff, teachers, and  
6 employees are of good moral character, all persons eighteen (18) years of age or older seeking to  
7 work or volunteer for any religious organization shall, at the specific request of the religious  
8 organization, be required to undergo a national criminal background check for the purpose of  
9 determining whether the prospective employee or volunteer has been convicted of any crime.

10 (1) Participation of any religious organization with the system of background checks  
11 created by this section is voluntary and any decision to request a national background check for  
12 any person may be made at the sole discretion of the religious organization.

13 (2) "Disqualifying information" for purposes of this section shall mean those offenses  
14 included in §§23-17-37, 11-37-1 through 11-37-8.4, and §§11-9-1 through 11-9-5.3.

15 (b) Any religious organization may require any applicant for employment or volunteer  
16 activity, if that employment or activity involves routine contact with minors, to apply to the  
17 bureau of criminal identification (BCI), the department of the attorney general, the state police or  
18 the local police department for a nationwide criminal records check. The check shall conform to

1 the applicable federal standards, including the requirement that the applicant provide a set of  
2 fingerprints to facilitate the background check.

3 (1) It shall be the responsibility of the BCI to conduct the national criminal identification  
4 check within fourteen (14) days of the applicant's request.

5 (c) If any disqualifying information is discovered with respect to the applicant, the BCI  
6 shall inform the religious organization in writing, without disclosing the nature of the  
7 disqualifying information, that an item of disqualifying nature has been discovered. In addition,  
8 the BCI shall inform the applicant, in writing, of the nature of the disqualifying information.

9 (1) Upon receipt of the disqualifying information from the BCI, the applicant may, within  
10 twenty (20) days of receipt thereof, request that that the BCI provide a copy of the information to  
11 the religious organization which will have the discretion to determine whether the applicant is  
12 eligible for employment or volunteer status.

13 (d) If no disqualifying information is found upon completion of the background check,  
14 the BCI shall notify both the applicant and the religious organization, in writing of this fact.

15 (e) Upon completion of the background check, and after the twenty (20) day period  
16 referenced in subsection (c)(1) of this section, the BCI shall promptly destroy the fingerprints  
17 provided by the applicant.

18 (f) No religious organization who disqualifies an individual from employment or  
19 volunteer activity as a result of its receipt of disqualifying information, shall be liable for civil  
20 damages or subject to any claim, cause of action or proceeding of any nature, as a result of such  
21 disqualification.

22 (g) The applicant shall be responsible for the costs of conducting the nationwide criminal  
23 records check.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would provide that any applicant for employment or volunteer activity of a  
2 religious organization, shall undergo a national background check at the request of said religious  
3 organization, as a condition of employment or participation in volunteer activity when such  
4 employment or activity involves routine contact with minors.

5           This act would take effect upon passage.

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