

2016 -- S 2644

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS-CONTRACTORS' REGISTRATION
AND LICENSING BOARD

Introduced By: Senators Lombardo, P Fogarty, Ciccone, Walaska, and Cote

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 5-65 of the General Laws entitled "Contractors' Registration and
2 Licensing Board" is hereby amended by adding thereto the following section:

3 **5-65-27. National Criminal Records Check.** -- (a) An applicant for any license or
4 registration issued by the contractors' registration and licensing board including, but not limited
5 to, licenses or registrations issued under this chapter or chapters 65.1, 65.2, 65.3 and 73 of title 5
6 shall undergo a national criminal records check that shall include fingerprints submitted to the
7 Federal Bureau of Investigation (FBI) by the bureau of criminal identification of the department
8 of attorney general. The national criminal records check shall be processed prior to issuance of
9 the license or registration.

10 (b) The bureau of criminal identification of the department of attorney general shall
11 inform the applicant, in writing, of the nature of the disqualifying information; and, without
12 disclosing the nature of the disqualifying information, shall notify the executive director, in
13 writing, that disqualifying information has been discovered.

14 (c) An applicant against whom disqualifying information has been found may provide a
15 copy of the national criminal records check to the executive director. The executive director shall
16 make a judgment regarding the issuance of the license or registration.

17 (d) In those situations in which no disqualifying information has been found, the bureau
18 of criminal identification of the department of attorney general shall inform the applicant and the

1 executive director, in writing, of this fact.

2 (e) For the purposes of this section, "disqualifying information" means information
3 produced by a national criminal records check pertaining to conviction for the following crimes:
4 murder, voluntary manslaughter, involuntary manslaughter, first degree sexual assault, second
5 degree sexual assault, third degree sexual assault, first degree child molestation sexual assault,
6 second degree child molestation sexual assault, any offense under chapter 67 of title 11, assault
7 on persons sixty (60) years of age or older, assault with intent to commit specified felonies
8 (murder, robbery, rape, burglary, or the abominable and detestable crimes against nature), felony
9 assault, patient abuse, neglect or mistreatment of patients, burglary, first degree arson, robbery,
10 felony drug offenses, felony obtaining money under false pretenses, felony embezzlement, abuse,
11 neglect and/or exploitation of adults with severe impairments, exploitation of elders, felony
12 larceny, felony banking law violations, willful trespass, or any offense under chapter 41 of title
13 11. For purposes of this subsection, "conviction" means, in addition to judgments of conviction
14 entered by a court subsequent to a finding of guilty or a plea of guilty, those instances where the
15 defendant has entered a plea of nolo contendere and has received a sentence of probation and
16 those instances where a defendant has entered into a deferred sentence agreement with the
17 attorney general.

18 (f) The executive director shall maintain on file evidence that national criminal records
19 checks have been initiated on all applicants for a license or registration on or after January 1,
20 2017, and the results of those checks.

21 (g) The applicant shall be responsible for the cost of conducting the national criminal
22 records check through the bureau of criminal identification of the department of attorney general.

23 SECTION 2. This act shall take effect on January 1, 2017.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS-CONTRACTORS' REGISTRATION
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1 This act would require an applicant for any license or registration issued by the
2 contractors' registration and licensing board to undergo a national criminal records check, and
3 would disqualify any person previously convicted of certain enumerated felony and misdemeanor
4 offenses, including willful trespass and shoplifting.

5 This act would take effect on January 1, 2017.

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