

1                   **BACKGROUND CHECKS FOR SCHOOL SPORTS**

2                                   **OFFICIALS**

3   2010 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Laura Black**

6                                   Senate Sponsor: Wayne L. Niederhauser

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8   **LONG TITLE**

9   **General Description:**

10           This bill requires a person to submit to a criminal background check before becoming a  
11 certified official.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ requires an individual to submit to a background check before becoming certified as  
15 an official;
- 16           ▶ requires an official to pay the cost of a background check;
- 17           ▶ provides procedures to appeal; and
- 18           ▶ with certain exceptions, prohibits individuals who have not had a background check  
19 as part of their certification process from officiating at secondary school athletic  
20 competitions.

21   **Monies Appropriated in this Bill:**

22           None

23   **Other Special Clauses:**

24           None

25   **Utah Code Sections Affected:**

26   ENACTS:

27           **53A-3-801**, Utah Code Annotated 1953



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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-3-801** is enacted to read:

**Part 8. Secondary School Sports Officials**

**53A-3-801. Criminal background check required for certified secondary school sports officials.**

(1) As used in this section:

(a) "Applicant" means an individual seeking certification as an official.

(b) "Certifying entity" means an entity that certifies an individual to officiate at a secondary-level interscholastic competition.

(c) "Division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(d) "Official" means an individual who is:

(i) certified by a certifying entity; and

(ii) paid to officiate at a secondary-level interscholastic competition.

(e) "Secondary-level interscholastic competition" means an athletic competition within the state in which the students competing are:

(i) in grades nine through 12; and

(ii) representing a public or private school in the athletic competition.

(2) (a) A certifying entity shall require an applicant to submit to a criminal background check as a condition for becoming an official.

(b) A certifying entity shall require an official to submit to a criminal background check before July 1, 2010.

(3) A certifying entity shall notify an applicant or official that a criminal background check is required.

(4) An applicant or official shall pay the cost of the background check.

(5) An applicant or official shall:

(a) submit a fingerprint card in a form acceptable to the division; and

(b) consent to a fingerprint background check by the division that includes national and regional criminal data files.

(6) The division shall release the applicant's or official's full criminal history record to

59 the certifying entity.

60 (7) The division shall:

61 (a) maintain a separate file of fingerprints submitted under Subsection (5); and

62 (b) notify the certifying entity when a new entry is made against an official whose

63 fingerprints are held in the file regarding any matters involving an alleged:

64 (i) sexual offense;

65 (ii) drug-related offense;

66 (iii) alcohol-related offense; or

67 (iv) offense against the person under Title 76, Chapter 5, Offenses Against the Person.

68 (8) (a) To assist in the cost of maintaining the separate file, a certifying entity shall pay

69 the division with monies received from fees charged to those submitting fingerprints.

70 (b) Monies collected for criminal background checks under this section shall be

71 credited to the division to offset its expenses.

72 (9) A certifying entity shall review a criminal background check and consider only

73 those convictions, pleas in abeyance, or arrests that are job-related for:

74 (a) an applicant before granting certification; or

75 (b) an official when reviewing background checks in accordance with Subsection

76 (2)(b).

77 (10) (a) The applicant or official shall have an opportunity to respond to any

78 information received as a result of a criminal background check.

79 (b) A certifying entity shall resolve any request for review by an applicant or official

80 through administrative procedures established by the certifying entity.

81 (11) If an applicant is denied certification as an official or an official is dismissed as an

82 official because of information obtained through a criminal background check, the individual

83 shall receive written notice of the reasons for denial or dismissal and have an opportunity to

84 respond to the reasons under the procedures set forth in Subsection (10).

85 (12) Information obtained under this section is confidential and may only be disclosed

86 as provided in this section.

87 (13) A school district or school board may not allow an official to officiate at a

88 secondary-level interscholastic competition unless the official is certified by a certifying entity

89 that requires a criminal background check as a condition of certification in accordance with this

90 section.

91 (14) Notwithstanding Subsection (13), this section does not apply to:

92 (a) an unpaid volunteer individual officiating at a secondary-level interscholastic

93 competition; or

94 (b) an individual who officiates at a secondary-level interscholastic competition and:

95 (i) is certified as an official from another state; and

96 (ii) accompanies an out-of-state school competing in the secondary-level

97 interscholastic competition.

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**Legislative Review Note**

**as of 1-20-10 2:02 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 99 - Background Checks for School Sports Officials**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enacting this bill will require the Department of Public Safety's Criminal Investigations and Technical Services Division to collect and expend \$68,700 in FY 2010 and \$7,900 per year in following years. Fees revenue will off-set administrative costs.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
Dedicated Credits	\$68,700	\$7,900	\$7,900	\$68,700	\$7,900	\$7,900
<b>Total</b>	<b>\$68,700</b>	<b>\$7,900</b>	<b>\$7,900</b>	<b>\$68,700</b>	<b>\$7,900</b>	<b>\$7,900</b>

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**Individual, Business and/or Local Impact**

Individuals seeking certification will pay fees associated with background checks.