

1 H.653

2 Introduced by Representatives Savage of Swanton, Bouchard of Colchester,  
3 Clark of Vergennes, Fagan of Rutland City, McNeil of Rutland  
4 Town and Shaw of Pittsford

5 Referred to Committee on

6 Date:

7 Subject: Human services; child care facilities; vulnerable adult facilities;  
8 criminal record checks; fingerprinting

9 Statement of purpose: This bill proposes to require criminal record checks and  
10 fingerprinting of employees of child care facilities and vulnerable adult  
11 facilities.

12 An act relating to criminal record checks and fingerprinting of employees of  
13 child care facilities and vulnerable adult facilities

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 33 V.S.A. § 3502 is amended to read:

16 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC  
17 SCHOOLS; 21ST CENTURY FUND

18 \* \* \*

1       (j) The department shall request and obtain from the Vermont criminal  
2 information center the criminal record for any prospective employee prior to  
3 employment with a child care facility.

4       (k) A request made under subsection (j) of this section shall be  
5 accompanied by a set of the person's fingerprints and a fee established by the  
6 Vermont criminal information center that shall reflect the cost of obtaining the  
7 record from the Federal Bureau of Investigation (FBI).

8       (1)(1) Upon completion of the criminal record check required by subsection  
9 (j) of this section, the Vermont criminal information center shall send to the  
10 department either a notice that no record exists or a copy of the record.

11       (2) If a copy of a criminal record is received, the Vermont criminal  
12 information center shall send to the employer:

13           (A) A copy of Vermont criminal convictions.

14           (B) A notice of any criminal record that is located in either another  
15 state repository or FBI records, but not a record of the specific convictions.  
16 However, if there is a record relating to any crimes of a sexual nature involving  
17 children, the Vermont criminal information center shall send this record to the  
18 department who shall notify the employer in writing, with a copy to the person  
19 about whom the request was made, that the record includes one or more  
20 convictions for a crime of a sexual nature involving children.

1       (m)(1) Following notice that an employer was notified that a criminal  
2       record which is located in either another state repository or FBI records exists,  
3       a person may:

4               (A) Sign a form authorizing the Vermont criminal information center  
5       to release a detailed copy of the criminal record to the person.

6               (B) Decline or resign employment.

7       (2) Any person subject to a criminal record check pursuant to this  
8       section may challenge the accuracy of the record by appealing to the Vermont  
9       criminal information center pursuant to rules adopted by the commissioner of  
10       public safety.

11       (n) Any person hired prior to July 1, 2012 shall be required to comply with  
12       this section as of July 1, 2014.

13       Sec. 2. 33 V.S.A. § 7105 is amended to read:

14       § 7105. LICENSE REQUIREMENTS

15                               \* \* \*

16       (d) The licensing agency shall request and obtain from the Vermont  
17       criminal information center the criminal record for any prospective employee  
18       prior to employment with a nursing home, an assisted living residence, a home  
19       for the terminally ill, a residential care home, or a therapeutic community  
20       residence.

1       (e) A request made under subsection (d) of this section shall be  
2       accompanied by a set of the person's fingerprints and a fee established by the  
3       Vermont criminal information center that shall reflect the cost of obtaining the  
4       records from the FBI.

5       (f)(1) Upon completion of a criminal record check required by subsection  
6       (j) of this section, the Vermont criminal information center shall send to the  
7       licensing agency either a notice that no record exists or a copy of the record.

8       (2) If a copy of a criminal record is received, the Vermont criminal  
9       information center shall send to the employer:

10       (A) A copy of Vermont criminal convictions.

11       (B) A notice of any criminal record that is located in either another  
12       state repository or FBI records, but not a record of the specific convictions.

13       However, if there is a record relating to any crimes of abuse of a vulnerable  
14       adult, the Vermont criminal information center shall send this record to the  
15       licensing department who shall notify the employer in writing, with a copy to  
16       the person about whom the request was made, that the record includes one or  
17       more convictions for a crime of abuse of a vulnerable adult.

18       (g)(1) Following notice that an employer was notified that a criminal  
19       record which is located in either another state repository or FBI records exists,  
20       a person may:

1           (A) Sign a form authorizing the Vermont criminal information center  
2           to release a detailed copy of the criminal record to the person.

3           (B) Decline or resign employment.

4           (2) Any person subject to a criminal record check pursuant to this  
5           section may challenge the accuracy of the record by appealing to the Vermont  
6           criminal information center pursuant to rules adopted by the commissioner of  
7           public safety.

8           (h) Any person hired prior to July 1, 2012 shall be required to comply with  
9           this section as of July 1, 2014.

10          Sec. 3. EFFECTIVE DATE

11          This act shall take effect on July 1, 2012.