

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 708

Short Title: Volunteer Fire Dept. Crim. Background Checks. (Public)

Sponsors: Senators Shubert; Blake, Carpenter, Forrester, Foxx, and Pittenger.

Referred to: Judiciary II.

April 2, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE LOCAL LAW ENFORCEMENT AGENCIES TO
3 ACCESS THE CRIMINAL INFORMATION NETWORK TO RUN CRIMINAL
4 BACKGROUND CHECKS ON PROSPECTIVE MEMBERS OF VOLUNTEER
5 FIRE DEPARTMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 4 of Chapter 114 of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 114-19.12. Criminal record checks of applicants to volunteer fire departments.**

10 (a) Authority. – The Department of Justice and the Federal Bureau of
11 Investigation may provide to any local law enforcement agency a criminal record check
12 of any individual who applies for a position with a volunteer fire department in that unit
13 of local government and a criminal record check of all persons 18 years of age or older
14 who live in the applying household. The North Carolina criminal record check may also
15 be done by a certified DCI operator within the local law enforcement agency.

16 (b) Procedure. – A criminal record check shall be conducted by using an
17 individual's fingerprints and all identification information required by the Department of
18 Justice to identify that individual. A criminal record check shall be provided only if: (i)
19 the individual whose record is checked consents to the record check, and (ii) every
20 individual who is 18 years of age or older who lives in the household also consents to
21 the record check. Refusal to give consent is considered withdrawal of the application.
22 The information shall be kept confidential by the local law enforcement agency that
23 receives the information. If the confidential information is disclosed under this section,
24 the Department may refuse to provide further criminal record checks to that local law
25 enforcement agency."

26 **SECTION 2.** This act is effective when it becomes law.