

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 634
Committee Substitute Favorable 3/28/05

Short Title: Judicial Dept. Criminal Background Checks.-AB

(Public)

Sponsors:

Referred to:

March 15, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE
JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS
FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL
HISTORIES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 4 of Chapter 114 is amended by adding a new section to read:

§ 114-19.16. Criminal record checks for the Judicial Department.

(a) The Department of Justice may provide to the Judicial Department from the State and National Repositories of Criminal Histories the criminal history of any current or prospective employee, volunteer, or contractor of the Judicial Department. The Judicial Department shall provide to the Department of Justice, along with the request, the fingerprints of the current or prospective employee, volunteer, or contractor, a form signed by the current or prospective employee, volunteer, or contractor consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Justice. The fingerprints of the current or prospective employee, volunteer, or contractor shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Judicial Department shall keep all information obtained pursuant to this section confidential.

(b) The Department of Justice may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

SECTION 2. Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

1 **"§ 7A-349. Criminal history record check; denial of employment, contract, or**
2 **volunteer opportunity.**

3 The Judicial Department may deny employment, a contract, or a volunteer
4 opportunity to any person who refuses to consent to a criminal history check authorized
5 under G.S. 114-19.16, and may dismiss a current employee, terminate a contractor, or
6 terminate a volunteer relationship if that employee, contractor, or volunteer refuses to
7 consent to a criminal history record check authorized under G.S. 114-19.16."

8 **SECTION 2.** This act becomes effective October 1, 2005.