

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 878*

Short Title: ITS/Employee Background Investigations.

(Public)

Sponsors: Senators Cowell; Berger of Franklin, Dorsett, and Rand.

Referred to: Information Technology.

March 19, 2007

A BILL TO BE ENTITLED

1 AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE
2 OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO
3 BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC
4 RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY
5 LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND
6 MAKING CONFORMING CHANGES.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 147-33.77 is amended by adding a new subsection to
10 read:

11 "(g) The State Chief Information Officer may require background investigations
12 of any employee or prospective employee, including a criminal history record check,
13 which may include a search of the State and National Repositories of Criminal Histories
14 based on the person's fingerprints. A criminal history record check shall be conducted
15 by the State Bureau of Investigation upon receiving fingerprints and other information
16 provided by the employee or prospective employee. If the employee or prospective
17 employee has been a resident of the State for less than five years, the background report
18 shall include a review of criminal information from both the State and National
19 Repositories of Criminal Histories. The criminal background report shall be provided to
20 the State Chief Information Officer and is not a public record under Chapter 132 of the
21 General Statutes."

22 **SECTION 2.** G.S. 147-33.113(a)(4) reads as rewritten:

23 "(4) Designating an agency liaison in the information technology area to
24 coordinate with the State Chief Information Officer. The liaison shall
25 be subject to a criminal background report from the State Repository
26 of Criminal Histories, which shall be provided by the State Bureau of
27 Investigation upon its receiving fingerprints from the liaison. If the
28 liaison has been a resident of this State for less than five years, the
29 background report shall include a review of criminal information from

1 both the State and National Repositories of Criminal Histories. The
2 criminal background report shall be provided to the State Chief
3 Information Officer and the head of the agency. In addition, all
4 personnel in the Office of State Auditor who are responsible for
5 information technology security reviews pursuant to
6 G.S. 147-64.6(c)(18) shall be subject to a criminal background report
7 from the State Repository of Criminal Histories, which shall be
8 provided by the State Bureau of Investigation upon receiving
9 fingerprints from the personnel designated by the State Auditor. For
10 designated personnel who have been residents of this State for less
11 than five years, the background report shall include a review of
12 criminal information from both the State and National Repositories of
13 Criminal Histories. The criminal background reports shall be provided
14 to the State Auditor. Criminal histories provided pursuant to this
15 subdivision are not public records under Chapter 132 of the General
16 Statutes."

17 **SECTION 3.** Article 4 of Chapter 114 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 114-19.20. Criminal record checks for the Office of Information Technology**
20 **Services.**

21 (a) The Department of Justice may provide to the Office of Information
22 Technology Services from the State and National Repositories of Criminal Histories the
23 criminal history of any current or prospective employee, volunteer, or contractor of the
24 Office of Information Technology Services. The Office of Information Technology
25 Services shall provide to the Department of Justice, along with the request, the
26 fingerprints of the current or prospective employee, volunteer, or contractor, a form
27 signed by the current or prospective employee, volunteer, or contractor consenting to
28 the criminal record check and use of fingerprints and other identifying information
29 required by the State and National Repositories, and any additional information required
30 by the Department of Justice. The fingerprints of the current or prospective employee,
31 volunteer, or contractor shall be forwarded to the State Bureau of Investigation for a
32 search of the State's criminal history record file, and the State Bureau of Investigation
33 shall forward a set of fingerprints to the Federal Bureau of Investigation for a national
34 criminal history record check. The Office of Information Technology Services shall
35 keep all information obtained pursuant to this section confidential.

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

39 **SECTION 4.** This act is effective when it becomes law.