

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 1091
Committee Substitute Favorable 4/30/97

Short Title: Crim. Record Check by Private Bus.

(Public)

Sponsors:

Referred to:

April 21, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CERTAIN CRIMINAL RECORD CHECKS TO BE
3 CONDUCTED BY PRIVATE BUSINESS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 131D-40(a) reads as rewritten:

6 "(a) Requirement. – An offer of employment by an adult care home licensed under
7 this Chapter to an applicant to fill a position that does not require the applicant to have an
8 occupational license is conditioned on consent to a criminal history record check of the
9 applicant. An adult care home shall not employ an applicant who refuses to consent to a
10 criminal history record check required by this section. Within five business days of
11 making the conditional offer of employment, an An adult care home shall submit a
12 request to the Department of Justice under ~~G.S. 114-19.3~~ G.S. 114-19.3, or shall request a
13 private business entity to conduct a criminal history record ~~check-check~~. ~~within five~~
14 ~~business days of making the conditional offer of employment.~~—All criminal history
15 information received ~~by the home~~ from the Department of Justice is confidential and may
16 not be disclosed."

17 Section 2. G.S. 131E-265(a) reads as rewritten:

18 "(a) Requirement. – An offer of employment by a nursing home or a home care
19 agency licensed under this Chapter to an applicant to fill a position that does not require

1 the applicant to have an occupational license is conditioned on consent to a criminal
2 history record check of the applicant. A nursing home or a home care agency shall not
3 employ an applicant who refuses to consent to a criminal history record check required
4 by this section. Within five business days of making the conditional offer of employment,
5 a ~~A~~ nursing home or home care agency shall submit a request to the Department of
6 Justice under ~~G.S. 114-19.3~~ G.S. 114-19.3, or shall request a private business entity to
7 conduct a criminal history record ~~check within five business days of making the conditional~~
8 ~~offer of employment.~~ check. All criminal history information received ~~by the home or~~
9 ~~agency~~ from the Department of Justice is confidential and may not be disclosed."

10 Section 3. This act is effective when it becomes law.