

H. B. 4296

(BY DELEGATES MORGAN AND STEPHENS)

[Introduced January 25, 2012; referred to the
Committee on Government Organization then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-20, relating to authorizing licensing boards to require applicants to submit to criminal background checks; declaring the background checks do not violate public policy; requiring the background checks to be consistent with federal standards; providing rule-making authority; and providing a confidentiality provision.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §30-1-20, to read as follows:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO
ALL STATE BOARDS OF EXAMINATION
OR REGISTRATION REFERRED TO IN
CHAPTER.**

§30-1-20. Criminal background checks.

1 (a) Boards may require an applicant for an authorization
2 to practice under this chapter to submit to a state and national
3 criminal background check. This requirement is found not to
4 be against public policy.

5 (b) Before implementing subsection (a) of this section,
6 the board shall propose rules for legislative approval in
7 accordance with article three, chapter twenty-nine-a of this
8 code. The rule shall set forth the requirements and procedures
9 for the criminal background check and must be consistent
10 with standards established by the Federal Bureau of
11 Investigation and the National Crime Prevention and Privacy
12 Compact as authorized by 42 U.S.C.A. §14611, et seq.

13 (c) The criminal background check shall be based on
14 fingerprints submitted to the West Virginia State Police for
15 forwarding to the Federal Bureau of Investigation.

16 (d) The applicant shall meet all requirements necessary to
17 accomplish the state and national criminal background check,
18 including:

19 (1) Submitting fingerprints for the purposes set forth in
20 subsection (b) of this section; and

21 (2) Authorizing the board, the West Virginia State Police
22 and the Federal Bureau of Investigation to use all records
23 submitted and produced for the purpose of screening the
24 applicant for an authorization to practice.

25 (e) The results of the state and national criminal
26 background check may not be released to any party except as
27 provided in this article or the legislative rules promulgated in
28 accordance with this article.

NOTE: The purpose of this bill is to authorize licensing boards to require applicants to submit to criminal background checks. The bill declares the background checks do not violate public policy. The bill requires the background checks to be consistent with federal standards and provides rule-making authority. The bill also includes a confidentiality provision.

NOTE: This section is new; therefore, it has been completely underscored.