

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3007

FISCAL
NOTE

BY DELEGATES NELSON, HARSHBARGER, CADLE,

ATKINSON, COOPER, PACK AND PORTERFIELD

[Introduced February 12, 2019; Referred
to the Committee on Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §19-1-3b, relating to authorizing the Commissioner of Agriculture to require
3 background checks as a condition of employment.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEPARTMENT OF AGRICULTURE.

§19-1-3b. Background checks as condition of employment.

1 (a) The commissioner may, as a condition of employment, require an applicant for a
2 position to submit to a state and national criminal history record check. This requirement is found
3 not to be against public policy.

4 (b) The criminal history record check shall be based on fingerprints submitted to the West
5 Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.
6 The applicant shall meet all requirements necessary to accomplish the state and national criminal
7 history record check, including:

8 (1) Submitting fingerprints for the purposes set forth in this subsection; and

9 (2) Authorizing the board, the West Virginia State Police and the Federal Bureau of
10 Investigation to use all records submitted and produced for the purpose of screening the applicant
11 for employment.

12 (c) The results of the state and national criminal history record check may not be released
13 to or by a private entity except:

14 (1) To the individual who is the subject of the criminal history record check;

15 (2) With the written authorization of the individual who is the subject of the criminal history
16 record check; or

17 (3) Pursuant to a court order.

18 (d) The criminal history record check and related records are not public records for the
19 purposes of chapter 29B of this code.

NOTE: The purpose of this bill is to authorize the Commissioner of Agriculture to require certain applicants for positions with the Department of Agriculture to submit to state and federal criminal background checks.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.