

H. B. 4009

(By Delegates Howell, Barill, Miller, Reynolds,
Kinsey, Sponaugle, Eldridge, Hamilton,
Stephens, Perry and Canterbury)

[Introduced January 8, 2014; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-5b, relating to permitting institutions of higher education to perform background checks on students living in school dormitories; permitting students to have background checks performed providing they pay for the checks; providing for confidentiality; permitting any information obtained be used for limited purposes; and requiring the information to be destroyed.

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 §18B-4-5b, to read as follows:

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5b. Criminal background checks; limited use;

1 **confidentiality; destruction of records.**

2 (a) The president or the institution's housing office of each
3 state institution of higher education may obtain criminal history
4 record information that relates to a student, or to an applicant
5 for admission as a student, who resides or applies to reside in
6 on-campus housing at the institution. A student of a state
7 institution of higher education or an applicant for admission as a
8 student, who resides or applies to reside in on-campus housing at
9 the institution may request the institution obtain the criminal
10 history record information that relates to another student, or to
11 an applicant for admission as a student, who resides or applies to
12 reside in on-campus housing at the institution. However, the
13 student making the request shall bear all financial costs of the
14 background check.

15 (b) Criminal history record information obtained by an
16 institution of higher education under subsection (a) may be used by
17 the institution or by the institution's housing office only for the
18 purpose of evaluating current students or applicants for enrollment
19 who reside or apply to reside in on-campus housing at the
20 institution.

21 (c) Criminal history record information received by an
22 institution of higher education under subsection (a) of this
23 section may not be released or disclosed to any person except on
24 court order or with the consent of the person who is the subject of

1 the criminal history record information.

2 (d) As soon as practicable after the beginning of the academic
3 period for which the person's housing application was submitted,
4 all criminal history record information obtained about a person
5 under subsection (a) of this section shall be destroyed by the
6 institution of higher education or by the institution's housing
7 office, as applicable.

NOTE: The purpose of this bill is to permit institutions of higher education to perform background checks on students residing or desiring to reside in school dormitories. The bill permits students to have background checks performed providing they pay for the checks. The bill provides that the checks may be used by the institution only for the purpose of evaluating current students or applicants for enrollment who reside or apply to reside in on-campus housing at the institution. The bill provides for confidentiality. The bill requires the information to be ultimately destroyed.

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