

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH80151-LL-115 (3/9)

Short Title: Judicial Dept. Criminal Background Checks.-AB

(Public)

Sponsors: Representative Tolson.

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE TO PROVIDE THE
2 JUDICIAL DEPARTMENT WITH CRIMINAL BACKGROUND CHECKS
3 FROM THE STATE AND NATIONAL REPOSITORIES OF CRIMINAL
4 HISTORIES.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Part 2 of Article 4 of Chapter 114 is amended by adding a new
8 section to read:

9 **"§ 114-19.14. Criminal record checks for the Judicial Department.**

10 (a) The Department of Justice may provide to the Judicial Department from the
11 State and National Repositories of Criminal Histories the criminal history of any current
12 or prospective employee, volunteer, or contractor of the Judicial Department. The
13 Judicial Department shall provide to the Department of Justice, along with the request,
14 the fingerprints of the current or prospective employee, volunteer, or contractor, a form
15 signed by the current or prospective employee, volunteer, or contractor consenting to
16 the criminal record check and use of fingerprints and other identifying information
17 required by the State and National Repositories, and any additional information required
18 by the Department of Justice. The fingerprints of the current or prospective employee,
19 volunteer, or contractor shall be forwarded to the State Bureau of Investigation for a
20 search of the State's criminal history record file, and the State Bureau of Investigation
21 shall forward a set of fingerprints to the Federal Bureau of Investigation for a national
22 criminal history record check. The Judicial Department shall keep all information
23 obtained pursuant to this section confidential.

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

1 **SECTION 2.** Article 29 of Chapter 7A of the General Statutes is amended
2 by adding a new section to read:

3 **"§ 7A-349. Criminal history record check; denial of employment, contract, or**
4 **volunteer opportunity.**

5 The Judicial Department may deny employment, a contract, or a volunteer
6 opportunity to any person who refuses to consent to a criminal history check authorized
7 under G.S. 114-19.14, and may dismiss a current employee, terminate a contractor, or
8 terminate a volunteer relationship if that employee, contractor, or volunteer refuses to
9 consent to a criminal history record check authorized under G.S. 114-19.14."

10 **SECTION 2.** This act becomes effective October 1, 2005.