

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1133*
Committee Substitute Favorable 5/2/05

Short Title: County Gov't. Criminal Records Checks.

(Public)

Sponsors:

Referred to:

April 6, 2005

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING CRIMINAL RECORDS CHECKS FOR COUNTY
3 GOVERNMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 114-19.14 reads as rewritten:

6 "**§ 114-19.14. Criminal record checks for ~~municipalities.~~municipalities and county**
7 **governments.**

8 The Department of Justice may provide to a city or county from the State and
9 National Repositories of Criminal Histories the criminal history of any person who
10 applies for employment with the ~~city.~~ city or county. The city or county shall provide to
11 the Department of Justice, along with the request, the fingerprints of the applicant, a
12 form signed by the applicant consenting to the criminal record check and use of
13 fingerprints and other identifying information required by the State and National
14 Repositories, and any additional information required by the Department of Justice. The
15 applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a
16 search of the State's criminal history record file, and the State Bureau of Investigation
17 shall forward a set of fingerprints to the Federal Bureau of Investigation for a national
18 criminal history record check. The city or county shall keep all information obtained
19 pursuant to this section confidential. The Department of Justice may charge a fee to
20 offset the cost incurred by it to conduct a criminal record check under this section. The
21 fee shall not exceed the actual cost of locating, editing, researching, and retrieving the
22 information."

23 **SECTION 2.** Article 5 of Chapter 153A of the General Statues is amended
24 by adding a new section to read:

25 "**§ 153A-94.2. Criminal history record checks of employees permitted.**

26 The board of commissioners may adopt or provide for rules and regulations or
27 ordinances concerning a requirement that any applicant for employment be subject to a
28 criminal history record check of State and National Repositories of Criminal Histories
29 conducted by the Department of Justice in accordance with G.S. 114-19.14. The local or

1 regional public employer may consider the results of these criminal history record
2 checks in its hiring decisions."

3 **SECTION 3.** This act is effective when it becomes law.