

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1091

Short Title: Crim. Record Check by Private Bus.

(Public)

Sponsors: Representatives Braswell; Arnold, Black, Hackney, R. Hunter, Justus, Kiser, Miner, Mitchell, Mosley, Thompson, Warwick, and C. Wilson.

Referred to: Commerce, if favorable, Judiciary I.

April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW CERTAIN CRIMINAL RECORD CHECKS TO BE
2 CONDUCTED BY PRIVATE BUSINESS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 131D-40(a) reads as rewritten:

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6 "(a) Requirement. – An offer of employment by an adult care home licensed under
7 this Chapter to an applicant to fill a position that does not require the applicant to have an
8 occupational license is conditioned on consent to a criminal history record check of the
9 applicant. An adult care home shall not employ an applicant who refuses to consent to a
10 criminal history record check required by this section. Within five business days of
11 making the conditional offer of employment, an An adult care home shall submit a
12 request to the Department of Justice under ~~G.S. 114-19.3~~ G.S. 114-19.3, or shall request a
13 private business entity, to conduct a criminal history record check-check. within five
14 business days of making the conditional offer of employment.—All criminal history
15 information received by the home is confidential and may not be disclosed."

16 Section 2. G.S. 131E-265(a) reads as rewritten:

17 "(a) Requirement. – An offer of employment by a nursing home or a home care
18 agency licensed under this Chapter to an applicant to fill a position that does not require
19 the applicant to have an occupational license is conditioned on consent to a criminal

1 history record check of the applicant. A nursing home or a home care agency shall not
2 employ an applicant who refuses to consent to a criminal history record check required
3 by this section. Within five business days of making the conditional offer of employment,
4 a ~~A~~-nursing home or home care agency shall submit a request to the Department of
5 Justice under ~~G.S. 114-19.3~~ G.S. 114-19.3, or shall request a private business entity, to
6 conduct a criminal history record ~~check within five business days of making the conditional~~
7 ~~offer of employment.~~ check. All criminal history information received by the home or
8 agency is confidential and may not be disclosed."

9 Section 3. This act is effective when it becomes law.