

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 254

Approved May 11, 2001

2001-0729
MAY 10 2001
CITY CLERK

RESOLVED, That the Members of the Providence City Council hereby endorse and urge Passage by the General Assembly of Senate Bill 2001-S 0729 and House Bill 2001-H 5830 Relating to Criminal Records Check, in substantially the form attached.

CITY COUNCIL
MAY 10 2001
READ AND PASSED

Barbara Young
PRES. *Rating*
Michael R. Clement
CLERK

APPROVED

MAY 11 2001
W. Blawie
MAYOR

APR 11 2001

IN CITY COUNCIL
APR 5 2001
FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael L. Clement CLERK
[Signature]

THE COMMITTEE ON
State Legislation
Recommendations Approval
Clare E. Hutch
1 May 2, 2001 [Signature]

Councilman Allen (By request)

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

01-S 0729

JANUARY SESSION, A.D. 2001

A N A C T

RELATING TO CRIMINAL RECORDS CHECK

01-S 0729

Introduced By: Senators Kells, Walton, Goodwin
and Perry

Date Introduced: February 14, 2001

Referred To: Senate Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-48.1-5 of the General Laws in Chapter 16-48.1 entitled
2 "Certification of Personnel Providing Educational Services to Very Young Children" is hereby
3 amended to read as follows:

4 16-48.1-5. Criminal records check -- Employee -- Any person seeking employment, if
5 the employment involves supervisory or disciplinary power over a child or children or involves
6 routine contact with a child or children without the presence of other employees, in any facility
7 covered under section 16-48-1 shall, after acceptance by the employer of the affidavit required by
8 section 16-48.1-3, apply to the bureau of criminal identification of the state police or the local
9 police department for a nationwide criminal records check. The check will conform to applicable
10 federal standards including the taking of fingerprints to identify the applicant. Upon the discovery
11 of any disqualifying information as defined in accordance with the rule promulgated by the
12 commissioner, the bureau of criminal identification of the state police or the local police
13 department will inform the applicant, in writing, of the nature of the disqualifying information. In
14 addition, the bureau of criminal identification of the state police or the local police department
15 will inform the employer, in writing, without disclosing the nature of the disqualifying
16 information, that an item of disqualifying information has been discovered. In those situations in
17 which no disqualifying information has been found, the bureau of criminal identification of the
18 state police or the local police department will inform both the applicant and the employer, in

01-S 0729

1 writing, of this fact. The employer will maintain on file, subject to inspection by the
2 commissioner, evidence that the criminal records checks have been initiated on all employees
3 seeking employment after August 1, 1985, and the results of the checks. Failure to maintain that
4 evidence on file will be prima facie grounds to revoke the license or registration of the operator
5 of the facility. It will be the responsibility of the bureau of criminal identification of the state
6 police or the local police department to conduct the nationwide criminal records check pursuant
7 to this section. The nationwide criminal records check will be provided to the applicant for
8 ~~employment without charge to the applicant and~~ without charge to the prospective employer if
9 the employer is a tax exempt corporation or an unincorporated nonprofit organization qualified
10 under section 501(c) of the United States Internal Revenue Code, 26 U.S.C. section 501(c). The
11 nationwide criminal records check shall be provided to the applicant by the local police
12 department for the sum equal to the cost of the background check to the department.

13 SECTION 2. This act shall take effect upon passage.

LC02350

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL RECORDS CHECK

1 This act would provide criminal records checks for child care workers to be provided at
2 the cost of same.

3 This act would take effect upon passage.

STATE OF RHODE ISLAND
01-H 5830

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2001

AN ACT

RELATING TO CRIMINAL RECORDS CHECK

2001-H 5830

Introduced By: Reps. Fox, Slater, DeSimone, Tejada and
Lima

Date Introduced: February 6, 2001

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-48.1-5 of the General Laws in Chapter 16-48.1 entitled
2 "Certification of Personnel Providing Educational Services to Very Young Children" is hereby
3 amended to read as follows:
4 **16-48.1-5. Criminal records check -- Employee --** Any person seeking employment, if
5 the employment involves supervisory or disciplinary power over a child or children or involves
6 routine contact with a child or children without the presence of other employees, in any facility
7 covered under section 16-48-1 shall, after acceptance by the employer of the affidavit required by
8 section 16-48.1-3, apply to the bureau of criminal identification of the state police or the local
9 police department for a nationwide criminal records check. The check will conform to applicable
10 federal standards including the taking of fingerprints to identify the applicant. Upon the discovery
11 of any disqualifying information as defined in accordance with the rule promulgated by the
12 commissioner, the bureau of criminal identification of the state police or the local police
13 department will inform the applicant, in writing, of the nature of the disqualifying information. In
14 addition, the bureau of criminal identification of the state police or the local police department
15 will inform the employer, in writing, without disclosing the nature of the disqualifying
16 information, that an item of disqualifying information has been discovered. In those situations in
17 which no disqualifying information has been found, the bureau of criminal identification of the
18 state police or the local police department will inform both the applicant and the employer, in

01-H 5830

1 writing, of this fact. The employer will maintain on file, subject to inspection by the
2 commissioner, evidence that the criminal records checks have been initiated on all employees
3 seeking employment after August 1, 1985, and the results of the checks. Failure to maintain that
4 evidence on file will be prima facie grounds to revoke the license or registration of the operator
5 of the facility. It will be the responsibility of the bureau of criminal identification of the state
6 police or the local police department to conduct the nationwide criminal records check pursuant
7 to this section. The nationwide criminal records check will be provided ~~to the applicant for~~
8 ~~employment without charge to the applicant and~~ without charge to the prospective employer if
9 the employer is a tax exempt corporation or an unincorporated nonprofit organization qualified
10 under section 501(c) of the United States Internal Revenue Code, 26 U.S.C. section 501(c). The
11 nationwide criminal records check shall be provided to the applicant by the local police
12 department for the sum equal to the cost of the background check to the department.

13 SECTION 2. This act shall take effect upon passage.

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LC01702
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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO CRIMINAL RECORDS CHECK

1 This act would provide criminal records checks for child care workers to be provided at
2 the cost of same.

3 This act would take effect upon passage.