

**Superseded 5/12/2015**

**32B-1-307 Criminal background check procedure.**

- (1)
  - (a) An individual described in Subsections 32B-1-305(2)(b) through (e) shall submit a fingerprint card at the expense of the individual.
  - (b) The department shall pay the expense of obtaining a fingerprint card required of:
    - (i) an individual applying for employment with the department; or
    - (ii) a department employee.
- (2)
  - (a) The department shall obtain information from a criminal history record maintained by the Utah Bureau of Criminal Identification pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for a purpose outlined in Section 32B-1-306.
  - (b) An individual described in Subsections 32B-1-305(2)(b) through (e) shall pay to the department the expense of obtaining the criminal history record described in Subsection (2) (a).
  - (c) The department shall pay the expense of obtaining the criminal history record required for:
    - (i) an individual applying for employment with the department; or
    - (ii) a department employee.
- (3)
  - (a) The department shall submit a fingerprint card obtained under Section 32B-1-305 of an individual who has not resided in the state for at least two years before the day on which the fingerprint card is submitted to the Utah Bureau of Criminal Identification to be forwarded to the Federal Bureau of Investigation for a nationwide criminal history record check.
  - (b) An individual described in Subsections 32B-1-305(2)(b) through (e) shall pay to the department the expense of obtaining the criminal history record described in Subsection (3) (a).
  - (c) The department shall pay the expense of obtaining the criminal history record required for:
    - (i) an individual applying for employment with the department; or
    - (ii) a department employee.
- (4) The department shall pay the Utah Bureau of Criminal Identification the costs incurred in providing the department criminal background information.
- (5)
  - (a) The following may not disseminate a criminal history record obtained under this part to any person except for a purpose described in Section 32B-1-306:
    - (i) the commission;
    - (ii) a commissioner;
    - (iii) the director;
    - (iv) the department; or
    - (v) a department employee.
  - (b)
    - (i) Notwithstanding Subsection (5)(a), a criminal history record obtained under this part may be provided by the department to the individual who is the subject of the criminal history record.
    - (ii) The department shall provide an individual who is the subject of a criminal history record and who requests the criminal history record an opportunity to:
      - (A) review the criminal history record; and
      - (B) respond to information in the criminal history record.
- (6) If an individual described in Subsection 32B-1-305(2) is determined to be disqualified under Subsection 32B-1-306(2)(b), the department shall provide the individual with:

- (a) notice of the reason for the disqualification; and
  - (b) an opportunity to respond to the disqualification.
- (7) The department shall maintain the following in one or more separate files so that they may be accessed only for a purpose under Section 32B-1-306:
- (a) a fingerprint card submitted under this part; and
  - (b) a criminal history record received from:
    - (i) the Utah Bureau of Criminal Identification; and
    - (ii) the Federal Bureau of Investigation.