

Effective 5/12/2015

32B-1-307 Background check procedure.

- (1)
 - (a) An individual described in Subsections 32B-1-305(2)(b) through (e) shall submit to a background check in a form acceptable to the department, including submitting fingerprints, at the expense of the individual.
 - (b) The department shall pay the expense of obtaining a background check, including obtaining fingerprints, required of:
 - (i) an individual applying for employment with the department; or
 - (ii) a department employee.
- (2)
 - (a) The department shall establish a procedure for obtaining and evaluating relevant 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 fingerprints obtained under Subsection (1) of an individual 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)
 - (a) The Utah Bureau of Criminal Identification:
 - (i) shall check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases and submit the fingerprints to national criminal records databases;
 - (ii) shall maintain a separate file of fingerprints submitted under Subsection (1) for search by future submissions to the state and regional records databases, including latent prints, and notify the department when a new entry is made against a person whose fingerprints are held in the separate file;
 - (iii) shall release to the department all information received in response to the department's request; and
 - (iv) may request that the fingerprints be retained in the Federal Bureau of Investigation Rap Back system for search by future submissions to national criminal records databases, including latent prints.
 - (b) The department shall establish a privacy risk mitigation strategy to ensure that the department only receives notifications for individuals with whom the department maintains a regulatory or employment relationship.

- (5) The department shall pay the Utah Bureau of Criminal Identification the costs incurred in providing the department criminal background information.
- (6)
 - (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 (6)(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.
- (7) 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.

Amended by Chapter 351, 2015 General Session