



1           (ii) As used in ~~[this section]~~ Subsection (4)(a)(i), certification includes reinstatement of  
2 a lapsed, suspended, or revoked certificate.

3           (b) (i) The office shall establish a procedure for fingerprinting the applicant and submitting  
4 the prints to the Law Enforcement and Technical Services Division of the Department of Public  
5 Safety for checking against applicable state, regional, and national criminal records files.

6           (ii) The Law Enforcement and Technical Services Division shall release to the office the  
7 ~~[applicant's record of all criminal convictions]~~ information received in response.

8           (c) An applicant shall have opportunity to respond to any information received as a result  
9 of the background check.

10          (d) (i) In preparing recommendations concerning certification for submission to the state  
11 board, the office shall consider only those ~~[convictions]~~ matters which are relevant to the level of  
12 certification sought by the applicant.

13          (ii) This Subsection ~~(4)(d)~~ applies to ~~[convictions]~~ matters occurring both before and after  
14 the effective date of this Subsection ~~(4)(d)~~.

15          (e) If a recommendation is made for denial of certification because of information obtained  
16 through a criminal background check, the person shall receive written notice of the reasons for the  
17 recommendation and have an opportunity to respond in accordance with procedures set forth ~~[in~~  
18 ~~Title 63, Chapter 46b, Administrative Procedures Act]~~ under rules of the Professional Practices  
19 Advisory Commission.

20          (f) Information obtained under this section is confidential and may only be disclosed as  
21 provided in this part.

22          (g) The applicant shall pay the costs of conducting the background check.

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**Legislative Review Note**  
**as of 12-16-97 3:27 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**