

1                                   **CHILD CARE PROVIDER CRIMINAL**  
2                                   **BACKGROUND CHECK AMENDMENTS**

3                                   1999 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Pete Suazo**

6 AN ACT RELATING TO CHILD CARE; REQUIRING A NATIONAL CRIMINAL  
7 BACKGROUND CHECK OF INDIVIDUALS ASSOCIATED WITH CHILD CARE  
8 PROVIDERS; AND MAKING CERTAIN TECHNICAL CHANGES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11                   **26-39-107**, as enacted by Chapter 196, Laws of Utah 1997

12 *Be it enacted by the Legislature of the state of Utah:*

13                   Section 1. Section **26-39-107** is amended to read:

14                   **26-39-107. Disqualified individuals -- Criminal history checks -- Payment of costs.**

15                   (1) (a) Each person requesting a residential certificate or to be licensed or to renew a  
16 license under this chapter shall submit to the department the name and other identifying  
17 information, which [~~may~~] shall include fingerprints, of existing, new, and proposed:

18                   (i) owners;

19                   (ii) directors;

20                   (iii) members of the governing body;

21                   (iv) employees;

22                   (v) providers of care; [~~and~~]

23                   (vi) volunteers, except parents of children enrolled in the programs[-]; and

24                   (vii) all adults residing in a residence where child care is provided.

25                   (b) A person seeking renewal of a residential certificate or license under this section is not  
26 required to submit fingerprints of an individual referred to in Subsections (1)(a)(i) through (vi),  
27 if:

28 (i) the individual has ~~h~~ **RESIDED IN UTAH FOR THE LAST FIVE YEARS;**  
 28a **(ii) THE INDIVIDUAL HAS h** ;  
 29 (A) previously submitted fingerprints under this section for a national criminal history  
 30 record check; and  
 31 (B) resided in Utah continuously since that time; or  
 32 ~~h~~ **(iii) h** as of May 3, 1999, the individual had one of the relationships under Subsection  
 32a (1)(a)  
 33 with a child care provider having a residential certificate or licensed under this section and the  
 34 individual has resided in Utah continuously since that time.  
 35 ~~(b)~~ (c) (i) The Utah Division of Criminal Investigation § AND TECHNICAL SERVICES §  
 35a within the Department of Public  
 36 Safety shall process [that] the information required under Subsection (1)(a) to determine whether  
 37 the individual has been convicted of any crime.  
 38 (ii) The Utah Division of Criminal Investigation § AND TECHNICAL SERVICES § shall  
 38a submit fingerprints required under  
 39 Subsection (1)(a) to the FBI for a national criminal history record check.  
 40 (iii) The applicant for the license or residential certificate shall pay the cost of conducting  
 41 a record check under Subsection (1)(c) § [iii] § .  
 42 (2) An owner, director, member of the governing body, employee, provider of care, or  
 43 volunteer who has a felony conviction may not provide child care or operate a residential  
 44 certificate or licensed child care program [licensed by the department].  
 45 (3) An owner, director, member of the governing body, employee, or other provider of care  
 46 who has been convicted of a misdemeanor may not provide child care or operate a residential  
 47 certificate or licensed child care program [licensed by the department], except that:  
 48 (a) the department may, by rule, exclude specified misdemeanors that do not disqualify  
 49 an individual under this section; and  
 50 (b) the executive director may consider and approve individual cases in accordance with  
 51 criteria established by rule.

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## Legislative Review Note

as of 11-24-98 3:41 PM

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

Office of Legislative Research and General Counsel



**Committee Note**

The Health and Human Services Interim Committee recommended this bill.

**Committee Note**

The Workforce Services Interim Committee recommended this bill.