

(The bill as it passed both houses of the Legislature contained the following language in Subsection 26-39-107(1)(b)(i): after "has" insert "resided in Utah for the last five years; (ii) the individual has" and in Subsection 26-39-107(1)(b) delete "(ii)" and insert "(iii)". However, in enrolling this language was inadvertently omitted. This language will appear in the electronic version of the Legislature's database and will appear in a future publication of the hardbound code.)

**CHILD CARE PROVIDER CRIMINAL
BACKGROUND CHECK AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Pete Suazo

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

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

AMENDS:

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

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

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

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

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

(i) owners;

(ii) directors;

(iii) members of the governing body;

(iv) employees;

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

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

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

(b) A person seeking renewal of a residential certificate or license under this section is not

required to submit fingerprints of an individual referred to in Subsections (1)(a)(i) through (vi), if:

(i) the individual has:

(A) previously submitted fingerprints under this section for a national criminal history record check; and

(B) resided in Utah continuously since that time; or

(ii) as of May 3, 1999, the individual had one of the relationships under Subsection (1)(a) with a child care provider having a residential certificate or licensed under this section and the individual has resided in Utah continuously since that time.

~~[(b)]~~ (c) (i) The Utah Division of Criminal Investigation and Technical Services within the Department of Public Safety shall process ~~[that]~~ the information required under Subsection (1)(a) to determine whether the individual has been convicted of any crime.

(ii) The Utah Division of Criminal Investigation and Technical Services shall submit fingerprints required under Subsection (1)(a) to the FBI for a national criminal history record check.

(iii) The applicant for the license or residential certificate shall pay the cost of conducting a record check under Subsection (1)(c).

(2) An owner, director, member of the governing body, employee, provider of care, or volunteer who has a felony conviction may not provide child care or operate a residential certificate or licensed child care program ~~[licensed by the department]~~.

(3) An owner, director, member of the governing body, employee, or other provider of care who has been convicted of a misdemeanor may not provide child care or operate a residential certificate or licensed child care program ~~[licensed by the department]~~, except that:

(a) the department may, by rule, exclude specified misdemeanors that do not disqualify an individual under this section; and

(b) the executive director may consider and approve individual cases in accordance with criteria established by rule.