

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:  
 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            (ii) as of May 3, 1999, the individual had one of the relationships under Subsection (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 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 shall 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)(ii).

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.

**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.