

BACKGROUND CHECKS FOR CHILD CARE WORKERS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies Title 26, Chapter 39, Utah Child Care Licensing Act, by amending the requirements for background checks of child care workers.

Highlighted Provisions:

This bill:

▶ eliminates the exemption from a fingerprint-based background check for an individual who has resided in Utah for five years ~~H~~→ **for individuals who apply for licensure after July 1, 2013** ←~~H~~ ; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-39-404, as renumbered and amended by Laws of Utah 2008, Chapter 111

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

Section 1. Section **26-39-404** is amended to read:

26-39-404. Disqualified individuals -- Criminal history checks -- Payment of costs.

H.B. 165



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

- 31 (i) owners;
- 32 (ii) directors;
- 33 (iii) members of the governing body;
- 34 (iv) employees;
- 35 (v) providers of care;
- 36 (vi) volunteers, except parents of children enrolled in the programs; and
- 37 (vii) all adults residing in a residence where child care is provided.

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

41 [~~(i) the individual has resided in Utah for the last five years;~~] ~~H~~→ **(i) the individual has**
 41a **resided in Utah for the last five years and applied for a certificate or license before**
 41b **July 1, 2013;** ~~←H~~

42 [~~(ii)~~] ~~H~~→ [~~(i)~~] **(ii)** ~~←H~~ the individual has:

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

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

46 [~~(iii)~~] ~~H~~→ [~~(i)~~] **(iii)** ~~←H~~ as of May 3, 1999, the individual had one of the relationships
 46a under

47 Subsection (1)(a) with a child care provider having a residential certificate or licensed under
 48 this section and the individual has resided in Utah continuously since that time.

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

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

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

57 (2) (a) Each person requesting a residential certificate or to be licensed or to renew a
 58 license under this chapter shall submit to the department the name and other identifying