

1 **HIGHER EDUCATION CRIMINAL BACKGROUND**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Val K. Potter**

6 Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

8 **General Description:**

9  
10 This bill provides authorization to the Utah System of Technical Colleges Board of  
11 Trustees to require criminal background checks for certain employees and students.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides authorization to the Utah System of Technical Colleges Board of Trustees

14a **H→ and individual technical colleges ←H**

15 to require background checks for:

- 16 • prospective employees and volunteers of institutions;  
17 • existing employees; or  
18 • students under consideration for training programs requiring clinical internships

19 or externships; and

- 20 ▶ provides authorization to the State Board of Regents to allow criminal background  
21 checks for student applicants:

- 22 • involved in training programs that include internships or externships that require  
23 a background check;  
24 • dealing in direct patient care or with controlled substances; or  
25 • under consideration for employment where licensure requires a background  
26 check before a person can work in the respective profession.

27 **Money Appropriated in this Bill:**



90 information.

91 (d) Except as provided in Subsection (7), the institution shall pay the cost of  
 92 background checks conducted by the Utah Bureau of Criminal Identification, and the money  
 93 collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses.

94 (7) The board may by policy require an applicant to pay the costs of a criminal  
 95 background check as a condition of employment.

96 (8) The applicant or employee shall have an opportunity to respond to any information  
 97 received as a result of the criminal background check.

98 (9) If a person is denied employment or is dismissed from employment because of  
 99 information obtained through a criminal background check, the person shall receive written  
 100 notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons  
 101 under procedures established by the board in policy.

102 Section 2. Section **53B-2a-104.1** is enacted to read:

103 **53B-2a-104.1. Background checks for students and employees.**

104 (1) As used in this section, "bureau" means the Bureau of Criminal Identification  
 105 created in Section 53-10-201.

106 (2) Beginning July 1, 2018, the board of ~~H~~→ [trustees] ~~directors~~ ←~~H~~ of a technical  
 106a college ~~H~~→ [shall] may ←~~H~~ require the  
 107 following individuals to submit to a fingerprint-based local, regional, and national criminal  
 108 history background check and ongoing monitoring as a condition of employment:

109 (a) prospective employees ~~H~~→ [and volunteers] ←~~H~~ of technical colleges; and

110 (b) existing employees of institutions, on a pre-scheduled and rotating basis, or where  
 111 reasonable cause exists.

112 (3) Beginning July 1, 2018, the board of ~~H~~→ [trustees shall] ~~directors may~~ ←~~H~~ require  
 112a a fingerprint-based local,  
 113 regional, and national criminal history background check without ongoing monitoring as a  
 114 condition of enrollment for student applicants who are under consideration for training  
 115 programs:

116 (a) requiring clinical internships or externships; or

117 (b) involving direct patient care or controlled substances.

118 (4) Each individual in a position listed in Subsection (2) shall provide a completed  
 119 fingerprint card to the technical college upon request.

120 (5) The board of ~~H~~→ [trustees] ~~directors~~ ←~~H~~ shall require that an individual required  
 120a to submit to a

121 background check under Subsections (3) and (4) provide a signed waiver to the technical  
122 college on a form provided by the board of ~~H~~→ [trustees] ~~directors~~ ←~~H~~ that meets the  
122a requirements of Subsection  
123 53-10-108(4).

124 (6) For a noncriminal justice background search and registration in accordance with  
125 Subsection 53-10-108(13), the technical college shall submit to the bureau:

126 (a) the applicant's or employee's personal identifying information and fingerprints for a  
127 criminal history search of applicable local, regional, and national databases; and

128 (b) a request for all information received as a result of the local, regional, and  
129 nationwide background check.

130 (7) The program or department requesting the background check is responsible for the  
131 payment of all fees required by Subsection 53-10-108(15) and any fees required to be  
132 submitted to the Federal Bureau of Investigation by the bureau.

133 (8) The board of trustees shall make rules in accordance with Title 63G, Chapter 3,  
134 Utah Administrative Rulemaking Act, that:

135 (a) identify the appropriate privacy risk mitigation strategy to be used in accordance  
136 with Subsection 53-10-108(13)(b); and

137 (b) list specifically which training programs will require pre-acceptance background  
138 checks.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**