

**1st Sub. S.B. 143**  
**EMPLOYMENT BACKGROUND CHECKS**

Senator **Wayne A. Harper** proposes the following amendments:

1. Page 9, Lines 256 through 257:

256 (b) (i) agencies or individuals pursuant to a specific agreement with a criminal justice  
257 agency to provide services required for the administration of criminal justice;

(ii) the agreement shall specifically authorize access to data, limit the use of the data to purposes for which given, and ensure the security and confidentiality of the data;

2. Page 10, Lines 298 through 301:

298 (4) (a) Before requesting information [~~under Subsection (2)(g)~~], a qualifying entity  
299 [~~must~~] under Subsection (2)(c), state agency, or other agency or individual described in  
300 Subsections (2)(d) through (i) {~~, or the governor's office~~} shall obtain a signed waiver from the  
301 person whose information is requested.

3. Page 11, Lines 306 through 334:

306 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual  
307 described in Subsections (2)(d) through (g) {~~, or the governor's office~~} that submits a request for a  
308 noncriminal justice name based background check of local databases to the bureau shall  
309 provide to the bureau:

\* \* \* Some lines not shown \* \* \*

312 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or individual  
313 described in Subsections (2)(d) through (g) {~~, or the governor's office~~} that submits a request for a  
314 WIN database check to the bureau shall provide to the bureau:

\* \* \* Some lines not shown \* \* \*

318 [~~(e)~~] (e) Information received by a qualifying entity under Subsection (2)[~~(g)~~](c), state  
319 agency, or other agency or individual described in Subsections (2)(d) through (i) {~~, or the governor's~~  
320 ~~office~~} may only be:

\* \* \* Some lines not shown \* \* \*

331 [~~(g)~~] (g) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
332 individual described in Subsections (2)(d) through (i) {~~, or the governor's office~~} that obtains  
333 background check information [~~under Subsection (2)(g)~~] shall provide the [~~employee or~~  
334 ~~employment applicant~~] subject of the background check an opportunity to:

4. Page 12, Lines 357 through 360:

357 (6) The division may not disseminate criminal history record information to qualifying  
358 entities under Subsection (2)(g)(c) ~~{, state agencies, other agencies or individuals described in~~  
359 ~~Subsection (2)(d) through (i), or the governor's office}~~ regarding employment background  
360 checks if the information is related to charges:

5. Page 13, Line 396 through Page 14, Line 400:

396 (13) (a) Subject to Subsection (13)(b), a qualifying entity [~~or an entity described in~~  
397 ~~Subsection (2)(b)] under Subsection (2)(c), state agency, or other agency or individual described  
398 in ~~{Subsections}~~ Subsection (2)(d) ~~{through (g), or the governor's office}~~ may request that  
the division register  
399 fingerprints taken for the purpose of conducting current and future criminal background checks  
400 under this section with:~~

6. Page 14, Lines 404 through 406:

404 (b) A qualifying entity [~~or an entity described in Subsection (2)(b)] under Subsection  
405 (2)(c), state agency, other agency or individual described in ~~{Subsections}~~ Subsection (2)(d)  
~~{through (g), or~~  
406 ~~the governor's office}~~ may only make a request under Subsection (13)(a) if the entity:~~