

PUBLIC LIBRARY BACKGROUND CHECK REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for criminal background checks of public library employees.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a public library from receiving state funds unless the library implements a policy providing for criminal background checks of employees;
- ▶ provides for the scope, content, and dissemination of a library's criminal background check policy;
- ▶ provides for fiscal assistance to smaller counties and municipalities to conduct criminal background checks;
- ▶ requires the State Library Division to report annually to the Legislature regarding compliance with the criminal background check policy requirements; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



28 9-7-101, as last amended by Laws of Utah 2019, Chapter 221

29 9-7-216, as last amended by Laws of Utah 2004, Chapter 193

30 9-7-217, as last amended by Laws of Utah 2014, Chapter 371

31 ENACTS:

32 9-7-218, Utah Code Annotated 1953



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

35 Section 1. Section 9-7-101 is amended to read:

36 **9-7-101. Definitions.**

37 As used in this chapter:

38 (1) "Board" means the State Library Board created in Section 9-7-204.

39 (2) "Division" means the State Library Division.

40 (3) "Internet policy" means the public library online access policy required in Section
41 9-7-215.

42 [~~(3)~~] (4) "Library board" means the library board of directors appointed locally as
43 authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for
44 library services within a city or county of the state, regardless of the title by which the board is
45 known locally.

46 [~~(4)~~] (5) "Physical format" means a transportable medium in which analog or digital
47 information is published, such as print, microform, magnetic disk, or optical disk.

48 [~~(5)~~ "Policy" means the public library online access policy adopted by a library board
49 to meet the requirements of Section 9-7-215.]

50 (6) "Political subdivision" means a county, city, town, school district, public transit
51 district, redevelopment agency, or special improvement or taxing district.

52 (7) "State agency" means:

53 (a) the state; or

54 (b) an office, department, agency, authority, commission, board, institution, hospital,
55 college, university, or other instrumentality of the state.

56 (8) (a) "State publication" means a book, compilation, directory, document, contract or
57 grant report, hearing memorandum, journal, law, legislative bill, magazine, map, monograph,
58 order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution, register,

59 rule, report, statute, audiovisual material, electronic publication, micrographic form and tape or
 60 disc recording regardless of format or method of reproduction, issued or published by a state
 61 agency or political subdivision for distribution.

62 (b) "State publication" does not include correspondence, internal confidential
 63 publications, office memoranda, university press publications, or publications of the state
 64 historical society.

65 Section 2. Section **9-7-216** is amended to read:

66 **9-7-216. Process and content standards for Internet policy.**

67 (1) (a) Each library's Internet policy shall be developed under the direction of the
 68 library board, adopted in an open meeting, and have an effective date.

69 (b) The library board shall review the policy at least every three years~~[-, and a footnote~~
 70 ~~shall be added to the policy indicating the effective date of the last review].~~

71 ~~[(b)]~~ (c) (i) Notice of the availability of the policy shall be posted in a conspicuous
 72 place within the library for all patrons to observe.

73 (ii) The library board may issue any other public notice ~~[it]~~ the library board considers
 74 appropriate to inform the community about the policy.

75 (2) The Internet policy shall include the following information:

76 (a) ~~[state]~~ a statement indicating:

77 (i) that ~~[it]~~ the library restricts access to Internet or online sites that contain material
 78 described in Section **9-7-215**; and

79 (ii) how the library board intends to meet the requirements of Section **9-7-215**;

80 (b) ~~[inform]~~ a statement informing patrons that administrative procedures and
 81 guidelines for the staff to follow in enforcing the policy have been adopted and are available
 82 for review at the library; ~~[and]~~

83 (c) ~~[inform]~~ a statement informing patrons that procedures for use by patrons and staff
 84 to handle complaints about the policy, ~~[its]~~ the policy's enforcement, or about observed patron
 85 behavior have been adopted and are available for review at the library~~[-];~~ and

86 (d) a footnote indicating the effective date of the last review of the policy under
 87 Subsection (1)(b).

88 Section 3. Section **9-7-217** is amended to read:

89 **9-7-217. Reporting.**

90 The division shall submit a report to the department regarding the compliance of library
91 boards with the provisions of [Section] Sections [9-7-215](#) and [9-7-218](#) for inclusion in the
92 annual written report described in Section [9-1-208](#).

93 Section 4. Section **9-7-218** is enacted to read:

94 **9-7-218. Criminal background check policy required -- Scope and content --**
95 **Dissemination.**

96 (1) As used in this section:

97 (a) "Minor" means an individual who is under 18 years old.

98 (b) "Public library" means a library established under Section [9-7-402](#) or [9-7-501](#).

99 (2) State funds may not be provided to a public library unless the public library:

100 (a) adopts a criminal background check policy in accordance with this section; or

101 (b) implements a criminal background check policy adopted by the county or city in
102 which the public library is located that meets the requirements of Subsections (3)(a) through
103 (d).

104 (3) A public library's criminal background check policy shall:

105 (a) require current and prospective employees of the public library in any employment
106 position that involves significant contact with minors to submit to a criminal background check
107 as a condition of employment;

108 (b) describe the employment positions for which a criminal background check is
109 required under Subsection (3)(a);

110 (c) establish:

111 (i) procedures for gathering, submitting, and reviewing criminal background checks for
112 prospective or current employees of the public library;

113 (ii) criteria for disqualifying or dismissing an individual from employment with the
114 public library based on information received as a result of a criminal background check; and

115 (iii) procedures for an individual to respond to information received as a result of a
116 criminal background check;

117 (d) include an effective date that is stated in the policy;

118 (e) be developed under the direction of the library board; and

119 (f) be adopted by the library board in an open meeting.

120 (4) If an individual is denied employment or is dismissed from employment because of

121 information obtained through a criminal background check, the public library shall ensure that
122 the individual receives:

123 (a) written notice of the reasons for denial or dismissal; and

124 (b) an opportunity to respond to the reasons following the procedures established by
125 the public library under Subsection (3)(c)(iii).

126 (5) After a library board adopts a criminal background check policy, or implements a
127 policy adopted by the county or city in which the library is located, the library board shall:

128 (a) distribute the policy to any prospective or current employee of the public library;

129 (b) post the policy in a prominent location in the public library; and

130 (c) for a policy adopted by the library board, review the policy at least every three
131 years.

132 (6) Within appropriations made by the Legislature for this purpose, the State Library
133 Board shall reimburse a county of the fifth or sixth class, and a city of the fifth or sixth class,
134 for the costs of conducting a criminal background check required by a public library's criminal
135 background check policy.

136 **Section 5. Effective date.**

137 This bill takes effect on July 1, 2024.