

HB0284S01 compared with HB0284

~~text~~ shows text that was in HB0284 but was deleted in HB0284S01.

text shows text that was not in HB0284 but was inserted into HB0284S01.

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Representative Dan N. Johnson proposes the following substitute bill:

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 prospective 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

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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:

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

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

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

ENACTS:

9-7-218, Utah Code Annotated 1953

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

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

9-7-101. Definitions.

As used in this chapter:

- (1) "Board" means the State Library Board created in Section 9-7-204.
- (2) "Division" means the State Library Division.
- (3) "Internet policy" means the public library online access policy required in Section 9-7-215.

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

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

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

- (6) "Political subdivision" means a county, city, town, school district, public transit

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district, redevelopment agency, or special improvement or taxing district.

(7) "State agency" means:

(a) the state; or

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

(8) (a) "State publication" means a book, compilation, directory, document, contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map, monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution, register, rule, report, statute, audiovisual material, electronic publication, micrographic form and tape or disc recording regardless of format or method of reproduction, issued or published by a state agency or political subdivision for distribution.

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

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

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

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

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

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

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

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

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

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

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

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

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for review at the library; ~~and~~

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

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

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

9-7-217. Reporting.

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

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

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

(1) As used in this section:

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

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

(c) "Qualifying position" means any paid or unpaid employment position with a public library, including a volunteer position, that involves significant contact with minors, as determined by the public library's library board.

(d) "Qualifying prospective employee" means an individual who:

(i) is 18 years old or older; and

(ii) applies for a qualifying position with a public library.

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

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

~~— (b) † implements a criminal background check policy †adopted by the county or city in which the public library is located }that:~~

(a) meets the requirements of †Subsections (3)(a) through (d):

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

~~— (a) require current and prospective employees of the public library in any employment position that involves significant contact with minors to submit to a criminal background check~~

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as a condition of employment;

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

~~— (c) establish:~~

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

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

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

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

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

~~— (f) be adopted by} Subsection (3); and~~

(b) is adopted by:

(i) the library board in an open meeting {,}; or

{4}ii) {If an individual is denied employment or is dismissed} the county or city in which the public library is located.

(3) The criminal background check policy shall:

(a) identify each qualifying position with the public library;

(b) require each qualifying prospective employee to submit to a criminal background check as a condition of employment in a qualifying position;

(c) establish procedures for:

(i) gathering, submitting, and reviewing criminal background checks for qualifying prospective employees before making any offer of employment;

(ii) disqualifying a qualifying prospective employee from employment based on information received as a result of a criminal background check; and

(iii) allowing a qualifying prospective employee to respond to information received as a result of a criminal background check;

(d) ensure that a qualifying prospective employee who is disqualified from employment because of information obtained through a criminal background check {, the public library shall ensure that the individual} receives:

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~~(a)~~i) written notice of the reasons for ~~denial or dismissal~~the disqualification; and
~~(b)~~ii) an opportunity to respond to the reasons following the procedures established ~~by the public library~~ under Subsection (3)(c)(iii) ~~;~~; and

~~(5)~~e) ~~After a library board adopts a~~include an effective date that is stated in the
criminal background check policy~~, or implements a policy adopted by the county or city in~~
~~which the library is located, the library board shall:~~

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

~~(b) post the policy.~~

(4) (a) The criminal background check policy shall be distributed to qualifying
prospective employees and posted in a prominent location in the public library~~;~~;

~~(c) for a policy adopted;~~b) A criminal background check policy adopted by a library
board shall be reviewed by the library board~~;~~; at least every three years.

~~(6)~~5) Within appropriations made by the Legislature for this purpose, the State
Library Board shall reimburse a county of the fourth, fifth, or sixth class, and a city of the
fourth, fifth, or sixth class, for the costs of conducting ~~a~~ criminal background ~~check~~
~~required by a public library's criminal background check policy~~checks under this section.

Section 5. **Effective date.**

This bill takes effect on July 1, 2024.