

**EXPEDITED BACKGROUND CHECKS FOR  
HUMAN SERVICES PROVIDERS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer M. Seelig**

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

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Criminal Investigations and Technical Services Act and the Utah Human Services Code to provide for an expedited background check and license approval of certain human services providers.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides for the establishment and collection of fees to pay for the costs of complying with the provisions of this bill;
- ▶ requires the Bureau of Criminal Investigation (bureau) to conduct an expedited background check of certain human services providers who are applying for a license or license renewal with the Office of Licensing, within the Department of Human Services (office);
- ▶ establishes requirements relating to the background check described in this bill and providing the results to the office;
- ▶ grants the bureau access to the Licensing Information System of the Division of Child and Family Services and the statewide database of the Division of Aging and Adult Services;
- ▶ requires the office to, subject to certain conditions, grant expedited approval of a



28 license application or a license renewal application of a person who obtains and passes an  
29 expedited background check;

30       ▶ requires the office to create, in cooperation with the bureau, an application form for  
31 an expedited background check; and

32       ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34       None

35 **Other Special Clauses:**

36       This bill takes effect on July 1, 2010.

37 **Utah Code Sections Affected:**

38 AMENDS:

39       **53-10-202.5**, as enacted by Laws of Utah 1999, Chapter 227

40       **62A-2-120**, as last amended by Laws of Utah 2008, Chapters 3, 17, and 382

41       **62A-4a-1006**, as last amended by Laws of Utah 2009, Chapter 32

42 ENACTS:

43       **53-10-213**, Utah Code Annotated 1953

44       **62A-2-120.5**, Utah Code Annotated 1953



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

47       Section 1. Section **53-10-202.5** is amended to read:

48       **53-10-202.5. Bureau services -- Fees.**

49       (1) The bureau shall collect fees for the following services:

50       ~~[(1)]~~ (a) applicant fingerprint card as determined by Section 53-10-108;

51       ~~[(2)]~~ (b) bail enforcement licensing as determined by Section 53-11-115;

52       ~~[(3)]~~ (c) concealed firearm permit as determined by Section 53-5-707;

53       ~~[(4)]~~ (d) expungement certificate of eligibility as determined by Section 77-18-11;

54       ~~[(5)]~~ (e) firearm purchase background check as determined by Section 76-10-526;

55       ~~[(6)]~~ (f) name check as determined by Section 53-10-108;

56       ~~[(7)]~~ (g) private investigator licensing as determined by Section 53-9-111; ~~[and]~~

57       ~~[(8)]~~ (h) right of access as determined by Section 53-10-108~~[-];~~

58       (i) expedited background check as determined by Section 53-10-213; and

59           (j) expedited approval of qualified human services applicant as determined by Section  
60 62A-2-120.5.

61           (2) The bureau shall transfer all funds received under Subsection(1)(j) to the  
62 Department of Human Services.

63           Section 2. Section **53-10-213** is enacted to read:

64           **53-10-213. Expedited background check of a qualified human services applicant**  
65 **-- Fee -- Access to databases.**

66           (1) As used in this section:

67           (a) "Bureau" means the Bureau of Criminal Identification, created in Section  
68 53-10-201.

69           (b) "Database" means:

70           (i) the statewide database of the Division of Aging and Adult Services created in  
71 Section 62A-3-311.1; and

72           (ii) the Licensing Information System of the Division of Child and Family Services  
73 created in Section 62A-4a-1006.

74           (c) "Office" is as defined in Section 62A-2-101.

75           (d) "Qualified human services applicant" is as defined in Section 62A-2-120.5.

76           (2) The bureau shall:

77           (a) conduct an expedited, non-fingerprint criminal background check of a qualified  
78 human services applicant, if the applicant:

79           (i) submits, by email or in writing, a completed application for an expedited  
80 background check, described in Subsection 62A-2-120.5(4);

81           (ii) pays the fee established by the office under Subsection 62A-2-120.5(5); and

82           (iii) pays the fee established by the bureau under Subsection (3);

83           (b) conduct an expedited search of each database;

84           (c) give the criminal background check and the search of each database priority over all  
85 other background check requests received by the bureau, other than requests by law  
86 enforcement; and

87           (d) immediately after conducting the criminal background check and the search of each  
88 database, email to the office:

89           (i) the application described in Subsection (2)(a)(i);

90 (ii) the results of the criminal background check; and

91 (iii) the results of the search of each database.

92 (3) The bureau shall establish a fee, pursuant to Section 63J-1-504, for a qualified  
93 human services applicant, to pay the costs to the bureau of complying with the requirements of  
94 this section and Subsection 53-10-202.5(2).

95 (4) The bureau shall have access to each database for the purpose of complying with  
96 the requirements of this section.

97 Section 3. Section **62A-2-120** is amended to read:

98 **62A-2-120. Criminal background checks -- Direct access to children or**  
99 **vulnerable adults.**

100 (1) (a) Except as provided in Subsection (7), an applicant for an initial license or a  
101 license renewal under this chapter shall submit to the office the names and other identifying  
102 information, which may include fingerprints, of all persons associated with the licensee, as  
103 defined in Section 62A-2-101, with direct access to children or vulnerable adults.

104 (b) The Criminal Investigations and Technical Services Division of the Department of  
105 Public Safety, or the office as authorized under Section 53-10-108, shall process the  
106 information described in Subsection (1)(a) to determine whether the individual has been  
107 convicted of any crime.

108 (c) Except as provided in Subsection (1)(d), if an individual has not continuously lived  
109 in Utah for the five years immediately preceding the day on which the information referred to  
110 in Subsection (1)(a) is submitted to the office, the individual shall submit fingerprints for a FBI  
111 national criminal history record check. The fingerprints shall be submitted to the FBI through  
112 the Criminal Investigations and Technical Services Division.

113 (d) An individual is not required to comply with Subsection (1)(c) if:

114 (i) the individual continuously lived in Utah for the five years immediately preceding  
115 the day on which the information described in Subsection (1)(a) is submitted to the office,  
116 except for time spent outside of the United States and its territories; and

117 (ii) the background check of the individual is being conducted for a purpose other than  
118 a purpose described in Subsection (1)(f).

119 (e) If an applicant described in Subsection (1)(a) spent time outside of the United  
120 States and its territories during the five years immediately preceding the day on which the

121 information described in Subsection (1)(a) is submitted to the office, the office shall require the  
122 applicant to submit documentation establishing whether the applicant was convicted of a crime  
123 during the time that the applicant spent outside of the United States and its territories.

124 (f) Notwithstanding Subsections (1)(a) through (e), and except as provided in  
125 Subsection (1)(h), an applicant described in Subsection (1)(a) shall submit fingerprints for an  
126 FBI national criminal history records check, through the Criminal Investigations and Technical  
127 Services Division, if the background check of the applicant is being conducted for the purpose  
128 of:

129 (i) licensing a prospective foster home; or

130 (ii) approving a prospective adoptive placement of a child in state custody.

131 (g) Except as provided in Subsection (1)(h), in addition to the other requirements of this  
132 section, if the background check of an applicant described in Subsection (1)(a) is being  
133 conducted for the purpose of licensing a prospective foster home or approving a prospective  
134 adoptive placement of a child in state custody, the office shall:

135 (i) check the child abuse and neglect registry in each state where each prospective  
136 foster parent or prospective adoptive parent resided in the five years immediately preceding the  
137 day on which the prospective foster parent or prospective adoptive parent applied to be a foster  
138 parent or adoptive parent, to determine whether the prospective foster parent or prospective  
139 adoptive parent is listed in the registry as having a substantiated or supported finding of child  
140 abuse or neglect; and

141 (ii) check the child abuse and neglect registry in each state where each adult living in  
142 the home of the prospective foster parent or prospective adoptive parent described in  
143 Subsection (1)(g)(i) resided in the five years immediately preceding the day on which the  
144 prospective foster parent or prospective adoptive parent applied to be a foster parent or  
145 adoptive parent, to determine whether the adult is listed in the registry as having a substantiated  
146 or supported finding of child abuse or neglect.

147 (h) The requirements under Subsections (1)(f) and (g) do not apply to the extent that:

148 (i) federal law or rule permits otherwise; or

149 (ii) the requirements would prohibit the Division of Child and Family Services or a  
150 court from placing a child with:

151 (A) a noncustodial parent under Section 62A-4a-209, 78A-6-307, or 78A-6-307.5; or

152 (B) a relative, other than a noncustodial parent, under Section 62A-4a-209, 78A-6-307,  
153 or 78A-6-307.5, pending completion of the background check described in Subsections (1)(f)  
154 and (g).

155 (i) The office shall make rules, in accordance with Title 63G, Chapter 3, Utah  
156 Administrative Rulemaking Act, to implement the provisions of this Subsection (1) relating to  
157 background checks.

158 (2) The office shall approve a person for whom identifying information is submitted  
159 under Subsection (1) to have direct access to children or vulnerable adults in the licensee  
160 program if:

161 (a) (i) the person is found to have no criminal history record; or

162 (ii) (A) the only convictions in the person's criminal history record are misdemeanors  
163 or infractions not involving any of the offenses described in Subsection (3); and

164 (B) the date of the last conviction under Subsection (2)(a)(ii)(A) is more than five years  
165 before the date of the search;

166 (b) the person is not listed in the statewide database of the Division of Aging and Adult  
167 Services created by Section 62A-3-311.1;

168 (c) juvenile court records do not show that a court made a substantiated finding, under  
169 Section 78A-6-323, that the person committed a severe type of child abuse or neglect;

170 (d) the person is not listed in the Licensing Information System of the Division of  
171 Child and Family Services created by Section 62A-4a-1006;

172 (e) the person has not pled guilty or no contest to a pending charge for any:

173 (i) felony;

174 (ii) misdemeanor listed in Subsection (3); or

175 (iii) infraction listed in Subsection (3); and

176 (f) for a person described in Subsection (1)(g), the registry check described in  
177 Subsection (1)(g) does not indicate that the person is listed in a child abuse and neglect registry  
178 of another state as having a substantiated or supported finding of a severe type of child abuse or  
179 neglect as defined in Section 62A-4a-1002.

180 (3) Except as provided in Subsection (8), unless at least 10 years have passed since the  
181 date of conviction, the office may not approve a person to have direct access to children or  
182 vulnerable adults in the licensee's human services program if that person has been convicted of

- 183 an offense, whether a felony, misdemeanor, or infraction, that is:
- 184 (a) identified as a sexual offense, domestic violence, lewdness, assault, or battery;
  - 185 (b) a violation of any pornography law, including sexual exploitation of a minor;
  - 186 (c) prostitution;
  - 187 (d) included in:
    - 188 (i) Title 76, Chapter 5, Offenses Against the Person;
    - 189 (ii) Title 76, Chapter 5a, Sexual Exploitation of Children; or
    - 190 (iii) Title 76, Chapter 7, Offenses Against the Family;
  - 191 (e) a violation of Section 76-6-103, aggravated arson;
  - 192 (f) a violation of Section 76-6-203, aggravated burglary;
  - 193 (g) a violation of Section 76-6-302, aggravated robbery; or
  - 194 (h) a conviction for an offense committed outside of the state that, if committed in the
  - 195 state, would constitute a violation of an offense described in Subsections (3)(d) through (g).
- 196 (4) (a) Except as provided in Subsection (8), if a person for whom identifying
- 197 information is submitted under Subsection (1) is not approved by the office under Subsection
- 198 (2) or (3) to have direct access to children or vulnerable adults in the licensee program, the
- 199 office shall conduct a comprehensive review of criminal and court records and related
- 200 circumstances if the reason the approval is not granted is due solely to one or more of the
- 201 following:
- 202 (i) a conviction for:
    - 203 (A) any felony not listed in Subsection (3);
    - 204 (B) any misdemeanor or infraction, not listed in Subsection (3), within five years of the
    - 205 date of the search;
    - 206 (C) a protective order or ex parte protective order violation under Section 76-5-108 or
    - 207 a similar statute in another state; or
    - 208 (D) any felony, misdemeanor, or infraction listed in Subsection (3) if at least 10 years
    - 209 have passed since the date of conviction;
  - 210 (ii) a plea of guilty or no contest to a pending:
    - 211 (A) felony;
    - 212 (B) misdemeanor listed in Subsection (3); or
    - 213 (C) infraction listed in Subsection (3);

214 (iii) the person is listed in the statewide database of the Division of Aging and Adult  
215 Services created by Section 62A-3-311.1;

216 (iv) juvenile court records show that a court made a substantiated finding, under  
217 Section 78A-6-323, that the person committed a severe type of child abuse or neglect;

218 (v) the person is listed in the Licensing Information System of the Division of Child  
219 and Family Services created by Section 62A-4a-1006; or

220 (vi) the person is listed in a child abuse or neglect registry of another state as having a  
221 substantiated or supported finding of a severe type of child abuse or neglect as defined in  
222 Section 62A-4a-1002.

223 (b) The comprehensive review under Subsection (4)(a) shall include an examination of:

224 (i) the date of the offense or incident;

225 (ii) the nature and seriousness of the offense or incident;

226 (iii) the circumstances under which the offense or incident occurred;

227 (iv) the age of the perpetrator when the offense or incident occurred;

228 (v) whether the offense or incident was an isolated or repeated incident;

229 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable  
230 adult, including:

231 (A) actual or threatened, nonaccidental physical or mental harm;

232 (B) sexual abuse;

233 (C) sexual exploitation; and

234 (D) negligent treatment;

235 (vii) any evidence provided by the person of rehabilitation, counseling, or psychiatric  
236 treatment received, or additional academic or vocational schooling completed, by the person;  
237 and

238 (viii) any other pertinent information.

239 (c) At the conclusion of the comprehensive review under Subsection (4)(a), the office  
240 shall approve the person who is the subject of the review to have direct access to children or  
241 vulnerable adults, unless it finds that approval will likely create a risk of harm to a child or  
242 vulnerable adult.

243 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
244 office may make rules, consistent with this chapter, defining procedures for the comprehensive

245 review described in this Subsection (4).

246 (5) (a) For purposes of this Subsection (5), "directly supervised" means that the person  
247 being supervised is under the uninterrupted visual and auditory surveillance of the person doing  
248 the supervising.

249 (b) A licensee may not permit any person to have direct access to a child or a  
250 vulnerable adult unless, subject to Subsection (5)(c), that person is:

251 (i) associated with the licensee and:

252 (A) approved by the office to have direct access to children or vulnerable adults under  
253 this section; or

254 (B) (I) the office has not determined whether to approve that person to have direct  
255 access to children or vulnerable adults;

256 (II) the information described in Subsection (1)(a), relating to that person, is submitted  
257 to the department; and

258 (III) that person is directly supervised by a person associated with the licensee who is  
259 approved by the office to have direct access to children or vulnerable adults under this section;

260 (ii) (A) not associated with the licensee; and

261 (B) directly supervised by a person associated with the licensee who is approved by the  
262 office to have direct access to children or vulnerable adults under this section;

263 (iii) the parent or guardian of the child or vulnerable adult; or

264 (iv) a person approved by the parent or guardian of the child or vulnerable adult to  
265 have direct access to the child or vulnerable adult.

266 (c) Notwithstanding Subsection (5)(b), a person may not have direct access to a child  
267 or a vulnerable adult if that person is prohibited by court order from having that access.

268 (6) (a) Within 30 days after receiving the identifying information for a person under  
269 Subsection (1), the office shall give written notice to the person and to the licensee or applicant  
270 with whom the person is associated of:

271 (i) the office's decision regarding its background screening clearance and findings; and

272 (ii) a list of any convictions found in the search.

273 (b) With the notice described in Subsection (6)(a), the office shall also give to the  
274 person the details of any comprehensive review conducted under Subsection (4).

275 (c) If the notice under Subsection (6)(a) states that the person is not approved to have

276 direct access to children or vulnerable adults, the notice shall further advise the persons to  
277 whom the notice is given that either the person or the licensee or applicant with whom the  
278 person is associated, or both, may, under Subsection 62A-2-111(2), request a hearing in the  
279 department's Office of Administrative Hearings, to challenge the office's decision.

280 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
281 office shall make rules, consistent with this chapter:

282 (i) defining procedures for the challenge of its background screening decision  
283 described in this Subsection (6); and

284 (ii) expediting the process for renewal of a license under the requirements of this  
285 section and other applicable sections.

286 (7) Notwithstanding Subsection (1)(a), this section does not apply to an applicant for  
287 an initial license, or license renewal, to operate a substance abuse program that provides  
288 services to adults only.

289 (8) (a) Notwithstanding Subsections (2) through (4), the office may not approve or  
290 license a person as a prospective foster parent or a prospective adoptive parent if the person has  
291 been convicted of:

292 (i) a felony involving conduct that constitutes any of the following:

293 (A) child abuse, as described in Section 76-5-109;

294 (B) commission of domestic violence in the presence of a child, as described in Section  
295 76-5-109.1;

296 (C) abuse or neglect of a disabled child, as described in Section 76-5-110;

297 (D) endangerment of a child, as described in Section 76-5-112.5;

298 (E) aggravated murder, as described in Section 76-5-202;

299 (F) murder, as described in Section 76-5-203;

300 (G) manslaughter, as described in Section 76-5-205;

301 (H) child abuse homicide, as described in Section 76-5-208;

302 (I) homicide by assault, as described in Section 76-5-209;

303 (J) kidnapping, as described in Section 76-5-301;

304 (K) child kidnapping, as described in Section 76-5-301.1;

305 (L) aggravated kidnapping, as described in Section 76-5-302;

306 (M) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses;

307 (N) an offense described in Title 76, Chapter 5a, Sexual Exploitation of Children;  
 308 (O) aggravated arson, as described in Section 76-6-103;  
 309 (P) aggravated burglary, as described in Section 76-6-203;  
 310 (Q) aggravated robbery, as described in Section 76-6-302; or  
 311 (R) domestic violence, as described in Section 77-36-1; or  
 312 (ii) an offense committed outside the state that, if committed in the state, would  
 313 constitute a violation of an offense described in Subsection (8)(a)(i).

314 (b) Notwithstanding Subsections (2) through (4), the office may not approve or license  
 315 a person as a prospective foster parent or a prospective adoptive parent if, within the five years  
 316 immediately preceding the day on which the person would otherwise be approved or licensed,  
 317 the person has been convicted of a felony involving conduct that constitutes any of the  
 318 following:

319 (i) aggravated assault, as described in Section 76-5-103;  
 320 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;  
 321 (iii) mayhem, as described in Section 76-5-105;  
 322 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;  
 323 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;  
 324 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances  
 325 Act;  
 326 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance  
 327 Precursor Act; or  
 328 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.

329 (9) If any provision of this section conflicts with a provision of Section 62A-2-120.5,  
 330 the conflicting provision of Section 62A-2-120.5 shall govern.

331 Section 4. Section **62A-2-120.5** is enacted to read:

332 **62A-2-120.5. Expedited approval of a qualified human services applicant -- Fee.**

333 (1) As used in this section:

334 (a) "Bureau" means the Bureau of Criminal Identification, created in Section  
 335 53-10-201.

336 (b) "Business day" means a day on which the office is open.

337 (c) "Database" is as defined in Section 53-10-213.

338 (d) "Qualified human services applicant" means a person who:  
339 (i) is applying for an initial license or a license renewal under this chapter, other than a  
340 license as:  
341 (A) a foster home; or  
342 (B) a foster parent; and  
343 (ii) has not lived outside of Utah for the five years immediately preceding the day on  
344 which the person applies for the initial license or license renewal.  
345 (2) Within one business day after receiving an email described in Subsection  
346 53-10-213(2)(d), the office shall:  
347 (a) approve an application for a license or license renewal under this chapter, and  
348 notify the applicant or the employer designated by the applicant on the application described in  
349 Subsection (4), by email, if:  
350 (i) the applicant complies with the requirements of this chapter, other than the  
351 requirements relating to a background check, for the license or license renewal;  
352 (ii) the criminal background check conducted by the bureau under Section 53-10-213  
353 does not indicate any criminal activity;  
354 (iii) the person is not listed in a database; and  
355 (iv) the office is not aware of any other ground upon which the application is required  
356 to be denied; or  
357 (b) if the office is not required to approve the application under Subsection (2)(a),  
358 notify the applicant or the employer designated by the applicant on the application described in  
359 Subsection (4), by email:  
360 (i) that the office is not required to approve the application under Subsection (2)(a);  
361 and  
362 (ii) the reason that the office is not required to approve the application under  
363 Subsection (2)(a).  
364 (3) Nothing in this section prohibits the office from:  
365 (a) conducting a further investigation, as described in this chapter, to determine  
366 whether the applicant is qualified to be licensed; or  
367 (b) revoking a license granted under Subsection (2)(a) if, after approving the  
368 application, the office discovers that, at the time the application was approved, grounds existed

369 to refuse to grant the license or license renewal.

370 (4) (a) On or before July 1, 2010, the office shall, in cooperation with the bureau,  
371 develop an application for an expedited background check of a qualified human services  
372 applicant.

373 (b) The application described in Subsection (4)(a) shall:

374 (i) require that an applicant provide all information, and execute all waivers, necessary  
375 for the bureau and the office to fulfill the requirements described in Section 53-10-213 and this  
376 section; and

377 (ii) require that an applicant provide an email address where the notification described  
378 in Subsection (2) may be sent.

379 (5) The office shall establish a fee, pursuant to Section 63J-1-504, for a qualified  
380 human services applicant who files an application for an expedited background check, that is:

381 (a) in addition to the regular application fee required for licensure under this chapter;  
382 and

383 (b) sufficient to pay the costs to the office of:

384 (i) complying with the requirements of this section; and

385 (ii) providing the bureau access to a database.

386 Section 5. Section **62A-4a-1006** is amended to read:

387 **62A-4a-1006. Licensing Information System -- Contents -- Juvenile court finding**  
388 **-- Protected record -- Access -- Criminal penalty.**

389 (1) (a) The division shall maintain a sub-part of the Management Information System  
390 established pursuant to Section 62A-4a-1003, to be known as the Licensing Information  
391 System, to be used:

392 (i) for licensing purposes; or

393 (ii) as otherwise specifically provided for by law.

394 (b) The Licensing Information System shall include only the following information:

395 (i) the information described in Subsections 62A-4a-1005(1)(b) and (3)(b);

396 (ii) consented-to supported findings by alleged perpetrators under Subsection

397 62A-4a-1005(3)(a)(iii); and

398 (iii) the information in the licensing part of the division's Management Information  
399 System as of May 6, 2002.

400 (2) Notwithstanding Subsection (1), the department's access to information in the  
401 Management Information System for the licensure and monitoring of foster parents is governed  
402 by Sections 62A-4a-1003 and 62A-2-121.

403 (3) Subject to Subsection 62A-4a-1005(3)(e), upon receipt of a finding from the  
404 juvenile court under Section 78A-6-323, the division shall:

- 405 (a) promptly amend the Licensing Information System; and
- 406 (b) enter the information in the Management Information System.

407 (4) (a) Information contained in the Licensing Information System is classified as a  
408 protected record under Title 63G, Chapter 2, Government Records Access and Management  
409 Act.

410 (b) Notwithstanding the disclosure provisions of Title 63G, Chapter 2, Government  
411 Records Access and Management Act, the information contained in the Licensing Information  
412 System may only be used or disclosed as specifically provided in this chapter and Section  
413 62A-2-121.

414 (c) The information described in Subsection (4)(b) is accessible only to:

415 (i) the Office of Licensing within the department:

- 416 (A) for licensing purposes; or
- 417 (B) as otherwise specifically provided for by law;

418 (ii) the division to:

419 (A) screen a person at the request of the Office of Guardian Ad Litem:

420 (I) at the time that person seeks a paid or voluntary position with the Office of  
421 Guardian Ad Litem; and

422 (II) on an annual basis, throughout the time that the person remains with the Office of  
423 Guardian Ad Litem; and

424 (B) respond to a request for information from a person whose name is listed in the  
425 Licensing Information System;

426 (iii) persons designated by the Department of Health and approved by the Department  
427 of Human Services, only for the following purposes:

428 (A) licensing a child care program or provider; or

429 (B) determining whether a person associated with a covered health care facility, as  
430 defined by the Department of Health by rule, who provides direct care to a child, has a

431 supported finding of a severe type of child abuse or neglect;

432 (iv) persons designated by the Department of Workforce Services and approved by the  
433 Department of Human Services for the purpose of qualifying child care providers under  
434 Section 35A-3-310.5; ~~and~~

435 (v) the department, as specifically provided in this chapter[-]; and

436 (vi) the Bureau of Criminal Identification, created in Section 53-10-201, to the extent  
437 necessary to comply with the requirements of Section 53-10-213.

438 (5) The persons designated by the Department of Health under Subsection (4)(c)(iii)  
439 and the persons designated by the Department of Workforce Services under Subsection  
440 (4)(c)(iv) shall adopt measures to:

441 (a) protect the security of the Licensing Information System; and

442 (b) strictly limit access to the Licensing Information System to those persons  
443 designated by statute.

444 (6) All persons designated by statute as having access to information contained in the  
445 Licensing Information System shall be approved by the Department of Human Services and  
446 receive training from the department with respect to:

447 (a) accessing the Licensing Information System;

448 (b) maintaining strict security; and

449 (c) the criminal provisions of Sections 62A-4a-412 and 63G-2-801 pertaining to the  
450 improper release of information.

451 (7) (a) A person, except those authorized by this chapter, may not request another  
452 person to obtain or release any other information in the Licensing Information System to screen  
453 for potential perpetrators of abuse or neglect.

454 (b) A person who requests information knowing that it is a violation of this Subsection  
455 (7) to do so is subject to the criminal penalty described in Sections 62A-4a-412 and 63G-2-801.

456 **Section 6. Effective date.**

457 This bill takes effect on July 1, 2010.

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**Legislative Review Note**  
as of 1-18-10 1:30 PM

**Office of Legislative Research and General Counsel**

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**H.B. 106 - Expedited Background Checks for Human Services Providers**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill requires dedicated credits appropriations for both the Department of Public Safety and the Department of Human Services. The bill requires fees be established to cover the cost of providing the expedited background checks.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
Federal Funds	\$0	\$4,700	\$4,700	\$0	\$4,700	\$4,700
Dedicated Credits	\$0	\$315,500	\$206,400	\$0	\$315,500	\$206,400
<b>Total</b>	<b>\$0</b>	<b>\$320,200</b>	<b>\$211,100</b>	<b>\$0</b>	<b>\$320,200</b>	<b>\$211,100</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill may impact individuals or the businesses they work for if they apply for and pay the fee for an expedited background check.

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