

House Amendment 1322

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1 1 Amend Senate File 152, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, by inserting after line 13 the
1 4 following:
1 5 <Sec. _____. Section 237A.3, subsection 2, Code
1 6 2009, is amended to read as follows:
1 7 2. a. A person shall not provide child care as a
1 8 child care home provider unless the person and any
1 9 person who resides or will reside in the child care
1 10 home have been subject to a fingerprint-based national
1 11 criminal history record check in accordance with
1 12 section 237A.5.
1 13 b. If a person or program does not comply with
1 14 paragraph "a" or has been prohibited by the department
1 15 from involvement with child care, the person or
1 16 program shall not provide child care as a child care
1 17 home provider and is subject to penalty under section
1 18 237A.19 or injunction under section 237A.20 for doing
1 19 so.
1 20 Sec. _____. Section 237A.5, subsection 2, paragraph
1 21 a, subparagraph (1), subparagraph subdivision (e),
1 22 Code 2009, is amended to read as follows:
1 23 (e) The person will provide or is providing child
1 24 care as a child care home provider or will reside or
1 25 resides in a child care home that is not registered
1 26 under this chapter but that receives public funding
1 27 for providing child care.
1 28 Sec. _____. Section 237A.5, subsection 2, paragraphs
1 29 b and c, Code 2009, are amended to read as follows:
1 30 b. If an individual person subject to a record
1 31 check is being considered for employment by a child
1 32 care facility or child care home, in lieu of prior to
1 33 requesting a fingerprint-based record check to be
1 34 conducted by the department under paragraph "c", the
1 35 child care facility or child care home may access the
1 36 single contact repository established pursuant to
1 37 section 135C.33 as necessary to conduct a criminal and
1 38 child abuse record check of the individual in this
1 39 state. A copy of the results of the record check
1 40 conducted through the single contact repository shall
1 41 also be provided to the department. If the record
1 42 check indicates the individual is a person subject to
1 43 an evaluation, the child care facility or child care
1 44 home may request that the department perform an
1 45 evaluation as provided in this subsection. Otherwise,
1 46 the individual shall not be employed by the child care
1 47 facility or child care home. The cost of accessing
1 48 the single contact repository is the responsibility of
1 49 the child care facility or home.
1 50 c. (1) Unless a record check has already been
2 1 conducted in accordance with paragraph "b", for a
2 2 person subject to a record check, in addition to any
2 3 record check conducted pursuant to paragraph "b" and
2 4 the record checks conducted under subparagraph (2),
2 5 the person's fingerprints shall be provided to the
2 6 department of public safety for submission through the
2 7 state criminal history repository to the United States
2 8 department of justice, federal bureau of investigation
2 9 for a national criminal history record check. For a
2 10 child care home that is not registered under this
2 11 chapter, the cost of the national criminal history
2 12 record check for a person who will provide or is
2 13 providing child care or will reside or resides in that
2 14 child care home shall be paid by the person.
2 15 Otherwise, the cost of the national criminal history
2 16 record check and any other record checks conducted
2 17 under this lettered paragraph is the responsibility of
2 18 the department.
2 19 (2) In addition to the national criminal history
2 20 record check, the department shall conduct a criminal
2 21 and child abuse record check in this state for a
2 22 person who is subject to a record check and may
2 23 conduct such a child abuse record check in other
2 24 states. In addition, the department may conduct a

2 25 dependent adult abuse, sex offender registry, or other
2 26 public or civil offense record check in this state or
2 27 in other states for a person who is subject to a
2 28 record check. If record checks of a person who is
2 29 subject to a record check have been conducted through
2 30 the single contact repository as described in
2 31 paragraph "b", the department may forego the record
2 32 checks addressed by this subparagraph.

2 33 (3) If a record check performed pursuant to this
2 34 paragraph identifies an individual as a person subject
2 35 to an evaluation, an evaluation shall be performed to
2 36 determine whether prohibition of the person's
2 37 involvement with child care is warranted. The
2 38 evaluation shall be performed in accordance with
2 39 procedures adopted for this purpose by the department.

2 40 (4) Prior to performing an evaluation, the
2 41 department shall notify the affected person, licensee,
2 42 registrant, or child care home applying for or
2 43 receiving public funding for providing child care,
2 44 that an evaluation will be conducted to determine
2 45 whether prohibition of the person's involvement with
2 46 child care is warranted.>

2 47 #2. By renumbering as necessary.

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3 1 HEATON of Henry

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3 5 Tjepkes of Webster

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3 9 SCHULTE of Linn

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