

House File 2386 - Introduced

HOUSE FILE _____
BY TYMESON and HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring a national criminal history record check for
2 certain child care providers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5528YH 82
5 jp/nh/8

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1 1 Section 1. Section 237A.5, subsection 2, paragraphs b and
1 2 c, Code 2007, are amended to read as follows:
1 3 b. If an individual person subject to a record check is
1 4 being considered for employment by a child care facility or
1 5 child care home, ~~in lieu of prior to~~ requesting a
1 6 fingerpr~~int~~-based record check to be conducted by the
1 7 department under paragraph "c", the child care facility or
1 8 child care home may access the single contact repository
1 9 established pursuant to section 135C.33 as necessary to
1 10 conduct a criminal and child abuse record check of the
1 11 individual in this state. A copy of the results of the record
1 12 check conducted through the single contact repository shall
1 13 also be provided to the department. If the record check
1 14 indicates the individual is a person subject to an evaluation,
1 15 the child care facility or child care home may request that
1 16 the department perform an evaluation as provided in this
1 17 subsection. Otherwise, the individual shall not be employed
1 18 by the child care facility or child care home. The cost of
1 19 accessing the single contact repository is the responsibility
1 20 of the child care facility or home.
1 21 c. ~~(1) Unless a record check has already been conducted~~
1 22 ~~in accordance with paragraph "b", For a person subject to a~~
1 23 ~~record check, in addition to any record check conducted~~
1 24 ~~pursuant to paragraph "b" and the record checks conducted~~
1 25 ~~under subparagraph (2), the person's fingerprints shall be~~
1 26 ~~provided to the department of public safety for submission~~
1 27 ~~through the state criminal history repository to the United~~
1 28 ~~States department of justice, federal bureau of investigation~~
1 29 ~~for a national criminal history check. The cost of the~~
1 30 ~~national criminal history check and any other record checks~~
1 31 ~~conducted under this lettered paragraph is the responsibility~~
1 32 ~~of the department.~~
1 33 (2) In addition to the national criminal history check,
1 34 the department shall conduct a criminal and child abuse record
1 35 check in this state for a person who is subject to a record
2 1 check and may conduct ~~such~~ a child abuse record check in other
2 2 states. In addition, the department may conduct a dependent
2 3 adult abuse, sex offender registry, or other public or civil
2 4 offense record check in this state or in other states for a
2 5 person who is subject to a record check. If record checks of
2 6 a person who is subject to a record check have been conducted
2 7 through the single contact repository as described in
2 8 paragraph "b", the department may forego the record checks
2 9 addressed by this subparagraph.
2 10 (3) If a record check performed pursuant to this lettered
2 11 paragraph identifies an individual as a person subject to an
2 12 evaluation, an evaluation shall be performed to determine
2 13 whether prohibition of the person's involvement with child
2 14 care is warranted. The evaluation shall be performed in
2 15 accordance with procedures adopted for this purpose by the
2 16 department.
2 17 (4) Prior to performing an evaluation, the department
2 18 shall notify the affected person, licensee, registrant, or
2 19 child care home applying for or receiving public funding for
2 20 providing child care, that an evaluation will be conducted to

2 21 determine whether prohibition of the person's involvement with
2 22 child care is warranted.

2 23 EXPLANATION

2 24 This bill requires a fingerprint-based national criminal
2 25 history record check to be conducted for certain child care
2 26 providers who are registered, licensed, or receiving child
2 27 care funding administered by the department of human services
2 28 (DHS).

2 29 Under current law in Code section 237A.5, DHS is required
2 30 to conduct a criminal and child abuse record check in this
2 31 state for a "person who is subject to a record check". The
2 32 term applies to persons registered or licensed or being
2 33 considered for licensure or registration; persons being
2 34 considered by a child care facility for employment involving
2 35 direct responsibility for a child or with access to a child
3 1 when the child is alone or persons who are currently employed
3 2 with such responsibilities; persons who will reside or reside
3 3 in a child care facility; persons who have applied for or are
3 4 receiving public funding for providing child care; and persons
3 5 who will reside or reside in a child care home that is not
3 6 registered but that receives public funding for providing
3 7 child care.

3 8 The bill amends Code section 237A.5 to require that, in
3 9 addition to the state record checks for such a person, the
3 10 person's fingerprints shall be provided to the department of
3 11 public safety for submission through the state criminal
3 12 history repository to the United States department of justice,
3 13 federal bureau of investigation, for a national criminal
3 14 history check. The DHS is responsible for the cost of the
3 15 national criminal history check and the checks addressed in
3 16 current law.

3 17 Current law authorizes a licensed or registered child care
3 18 facility or an unregistered child care home to access the
3 19 single contact repository maintained by the DHS in order to
3 20 conduct the in-state criminal and child abuse record checks
3 21 required under current law. The bill continues to authorize
3 22 such access to be made prior to the fingerprint-based national
3 23 criminal history check and clarifies that the child care
3 24 facility or home is responsible for the cost of the access.

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