

House Study Bill 208 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

1 An Act permitting qualified entities to request national
2 criminal history checks of certain covered individuals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 692C.1 National criminal history
2 record checks — persons providing child care, elder care, and
3 care for individuals with disabilities.

4 1. For purposes of this section:

5 a. "*Covered individual*" means an individual who has, seeks
6 to have, or may have access to children, the elderly, or
7 individuals with disabilities served by a qualified entity and
8 who is employed by volunteers with, or seeks to volunteer with
9 a qualified entity; or owns or operates or seeks to own or
10 operate, a qualified entity.

11 b. "*Department*" means the department of public safety.

12 c. "*Qualified entity*" means a business or organization,
13 whether public, private, for-profit, nonprofit, or voluntary,
14 that provides care or care placement services, including a
15 business or organization that licenses or certifies others to
16 provide care or care placement services.

17 2. A qualified entity may request a national criminal
18 history record check by the federal bureau of investigation on
19 covered individuals through the department of public safety.

20 3. The qualified entity shall submit fingerprints and
21 other identifying information to the division of criminal
22 investigation of the department on a form and in a manner as
23 prescribed by the department. The department shall submit the
24 information through the state criminal history repository to
25 the federal bureau of investigation.

26 4. The department may require a qualified entity to pay a
27 fee associated with a national criminal history record check.
28 The fee shall not exceed the actual cost of the national
29 criminal history record check.

30 5. The results of national criminal history record checks
31 are a confidential record under section 22.7.

32 6. The department shall adopt rules as necessary for the
33 administration of this section pursuant to chapter 17A.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill provides that a qualified entity may request a
3 national criminal history record check on covered individuals
4 through the department of public safety.

5 The bill defines a "covered individual" and "qualified
6 entity" in the same manner as the terms are defined under the
7 federal Code, 34 U.S.C. §40104.

8 The bill provides that a qualified entity shall submit
9 fingerprints and other identifying information to the division
10 of criminal investigation of the department on a form and in
11 a manner as prescribed by the department and the department
12 is, in turn, required to submit the information to the federal
13 bureau of investigation.

14 The bill provides that the department may require a
15 qualified entity to pay a fee associated with a national
16 criminal history record check. The fee is not to exceed the
17 actual cost of the national criminal history record check.

18 The bill provides that a national criminal history record
19 check is a confidential record under Code section 22.7.

20 The bill directs the department to adopt rules as necessary
21 to administer the provisions of the bill pursuant to Code
22 chapter 17A.