

**§1986. Criminal history record information for employees and contractors**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation. [PL 2019, c. 616, Pt. S, §1 (NEW).]

B. "State Police" means the Department of Public Safety, Bureau of State Police. [PL 2019, c. 616, Pt. S, §1 (NEW).]  
[PL 2019, c. 616, Pt. S, §1 (NEW).]

**2. Background investigation requirements.** The office shall perform fingerprint-based criminal history record checks for any person employed by the office, who may be offered employment by the office or who is employed by or may be offered employment by a contractor or subcontractor for the office to satisfy federal statutory and regulatory background investigation requirements, including but not limited to those established by the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies, and the Federal Bureau of Investigation, Criminal Justice Information Services Division's information security requirements for criminal history record information used for noncriminal justice purposes.

The criminal history record checks must include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation.  
[PL 2019, c. 616, Pt. S, §1 (NEW).]

**3. Fingerprint-based criminal history obtained.** A person employed by the office or a person who is employed by a contractor or subcontractor for the office shall consent to having and have the person's fingerprints taken. A person who may be offered employment by the office or by a contractor or subcontractor for the office shall consent to having and have the person's fingerprints taken prior to being employed by the office or by a contractor or subcontractor for the office. The State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the bureau may conduct a state and national criminal history record check on the person. The bureau shall forward the results obtained to the office. The fee charged to the office by the State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

**4. Updates to information.** The fingerprint-based criminal history record check under subsection 3 must be conducted at least once every 5 years as the office determines appropriate or as required under federal regulations. The office may request continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

**5. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

**6. Use of information obtained.** Criminal history record information obtained pursuant to this section may be used by the office for employment purposes only. The information may be used only for making decisions regarding the suitability of a person described in this section for new or continued employment with the office. The subject of any criminal history record check under this section may

contest any negative decision made by the office based upon the information received pursuant to the criminal history record check.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

**7. Person's access to information obtained.** A person subject to the criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to the criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

**8. Right of subject to remove fingerprints from record.** Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

**9. Refusal to consent.** The office may not employ or permit the employment by a contractor or subcontractor of a person who has refused to consent to the background investigation requirements under this section in a position for which such background investigations are required under subsection 2.

[PL 2019, c. 616, Pt. S, §1 (NEW).]

#### SECTION HISTORY

PL 2019, c. 616, Pt. S, §1 (NEW).

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