

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1104*

Short Title: School Access to Crim. Records.

(Public)

Sponsors: Representatives Payne, Gottovi; Bowman and Warner.

Referred to: Judiciary II.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE DEPARTMENT OF JUSTICE MAY PROVIDE
A CRIMINAL RECORD CHECK TO THE EMPLOYER OF A SCHOOL
EMPLOYEE OR POTENTIAL EMPLOYEE WITH THE CONSENT OF THE
EMPLOYEE OR APPLICANT.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 114 is amended by adding a new section to
read:

"§ 114-19.2. Criminal record checks of school personnel.

(a) The Department of Justice may provide a criminal record check to the local board of education of a person who is employed in a public school in that local school district or of a person who has applied for employment in a public school in that local school district, if the employee or applicant consents to the record check. The information shall be kept confidential by the local board of education as provided in Article 21A of Chapter 115C.

(b) The Department of Justice may provide a criminal record check to the employer of a person who is employed in a nonpublic school or of a person who has applied for employment in a nonpublic school, if the employee or applicant consents to the record check. For purposes of this subsection, the term nonpublic school is one that is subject to the provisions of Article 39 of Chapter 115C of the General Statutes, but does not include a home school as defined in that Article.

(c) The Department of Justice shall charge a reasonable fee for conducting a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

- 1 (d) The Department of Justice shall adopt rules to implement this section."
2 Sec. 2. This act is effective upon ratification.