

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE DRS65156-LR-77A* (03/01)

Short Title: ITS/Employee Background Investigations. (Public)

Sponsors: Senator Cowell.

Referred to:

A BILL TO BE ENTITLED

AN ACT MAKING EMPLOYEES AND PROSPECTIVE EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES SUBJECT TO BACKGROUND INVESTIGATIONS; EXEMPTING FROM THE PUBLIC RECORDS LAWS THE CRIMINAL HISTORIES OF AGENCY SECURITY LIAISONS AND PERSONNEL IN THE OFFICE OF STATE AUDITOR, AND MAKING CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 147-33.77 is amended by adding a new subsection to read:

"(g) The State Chief Information Officer may require background investigations of any employee or prospective employee, including a criminal history record check, which may include a search of the State and National Repositories of Criminal Histories based on the person's fingerprints. A criminal history record check shall be conducted by the State Bureau of Investigation upon receiving fingerprints and other information provided by the employee or prospective employee. If the employee or prospective employee has been a resident of the State for less than five years, the background report shall include a review of criminal information from both the State and National Repositories of Criminal Histories. The criminal background report shall be provided to the State Chief Information Officer and is not a public record under Chapter 132 of the General Statutes."

SECTION 2. G.S. 147-33.113(a)(4) reads as rewritten:

"(4) Designating an agency liaison in the information technology area to coordinate with the State Chief Information Officer. The liaison shall be subject to a criminal background report from the State Repository of Criminal Histories, which shall be provided by the State Bureau of Investigation upon its receiving fingerprints from the liaison. If the

1 liaison has been a resident of this State for less than five years, the
2 background report shall include a review of criminal information from
3 both the State and National Repositories of Criminal Histories. The
4 criminal background report shall be provided to the State Chief
5 Information Officer and the head of the agency. In addition, all
6 personnel in the Office of State Auditor who are responsible for
7 information technology security reviews pursuant to
8 G.S. 147-64.6(c)(18) shall be subject to a criminal background report
9 from the State Repository of Criminal Histories, which shall be
10 provided by the State Bureau of Investigation upon receiving
11 fingerprints from the personnel designated by the State Auditor. For
12 designated personnel who have been residents of this State for less
13 than five years, the background report shall include a review of
14 criminal information from both the State and National Repositories of
15 Criminal Histories. The criminal background reports shall be provided
16 to the State Auditor. Criminal histories provided pursuant to this
17 subdivision are not public records under Chapter 132 of the General
18 Statutes."

19 **SECTION 3.** Article 4 of Chapter 114 of the General Statutes is amended by
20 adding a new section to read:

21 **§ 114-19.20. Criminal record checks for the Office of Information Technology**
22 **Services.**

23 (a) The Department of Justice may provide to the Office of Information
24 Technology Services from the State and National Repositories of Criminal Histories the
25 criminal history of any current or prospective employee, volunteer, or contractor of the
26 Office of Information Technology Services. The Office of Information Technology
27 Services shall provide to the Department of Justice, along with the request, the
28 fingerprints of the current or prospective employee, volunteer, or contractor, a form
29 signed by the current or prospective employee, volunteer, or contractor consenting to
30 the criminal record check and use of fingerprints and other identifying information
31 required by the State and National Repositories, and any additional information required
32 by the Department of Justice. The fingerprints of the current or prospective employee,
33 volunteer, or contractor shall be forwarded to the State Bureau of Investigation for a
34 search of the State's criminal history record file, and the State Bureau of Investigation
35 shall forward a set of fingerprints to the Federal Bureau of Investigation for a national
36 criminal history record check. The Office of Information Technology Services shall
37 keep all information obtained pursuant to this section confidential.

38 (b) The Department of Justice may charge a fee to offset the cost incurred by it to
39 conduct a criminal record check under this section. The fee shall not exceed the actual
40 cost of locating, editing, researching, and retrieving the information."

41 **SECTION 4.** This act is effective when it becomes law.