

# H. B. 4296

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(BY DELEGATES MORGAN AND STEPHENS)

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[Introduced January 25, 2012; referred to the  
Committee on Government Organization then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-20, relating to authorizing licensing boards to require applicants to submit to criminal background checks; declaring the background checks do not violate public policy; requiring the background checks to be consistent with federal standards; providing rule-making authority; and providing a confidentiality provision.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §30-1-20, to read as follows:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO  
ALL STATE BOARDS OF EXAMINATION  
OR REGISTRATION REFERRED TO IN  
CHAPTER.**

**§30-1-20. Criminal background checks.**

1        (a) Boards may require an applicant for an authorization  
2        to practice under this chapter to submit to a state and national  
3        criminal background check. This requirement is found not to  
4        be against public policy.

5        (b) Before implementing subsection (a) of this section,  
6        the board shall propose rules for legislative approval in  
7        accordance with article three, chapter twenty-nine-a of this  
8        code. The rule shall set forth the requirements and procedures  
9        for the criminal background check and must be consistent  
10       with standards established by the Federal Bureau of  
11       Investigation and the National Crime Prevention and Privacy  
12       Compact as authorized by 42 U.S.C.A. §14611, et seq.

13       (c) The criminal background check shall be based on  
14       fingerprints submitted to the West Virginia State Police for  
15       forwarding to the Federal Bureau of Investigation.

16       (d) The applicant shall meet all requirements necessary to  
17       accomplish the state and national criminal background check,  
18       including:

19       (1) Submitting fingerprints for the purposes set forth in  
20       subsection (b) of this section; and

21       (2) Authorizing the board, the West Virginia State Police  
22       and the Federal Bureau of Investigation to use all records  
23       submitted and produced for the purpose of screening the  
24       applicant for an authorization to practice.

25       (e) The results of the state and national criminal  
26       background check may not be released to any party except as  
27       provided in this article or the legislative rules promulgated in  
28       accordance with this article.

NOTE: The purpose of this bill is to authorize licensing boards to require applicants to submit to criminal background checks. The bill declares the background checks do not violate public policy. The bill requires the background checks to be consistent with federal standards and provides rule-making authority. The bill also includes a confidentiality provision.

NOTE: This section is new; therefore, it has been completely underscored.