

1 S.283

2 Introduced by Senator Sears

3 Referred to Committee on Judiciary

4 Date: January 7, 2014

5 Subject: Internal security and public safety; Vermont Criminal Information
6 Center

7 Statement of purpose of bill as introduced: This bill proposes to change the
8 name of the Vermont Criminal Information Center to the Vermont Crime
9 Information Center.

10 An act relating to the changing of the name of the Vermont Criminal
11 Information Center

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 20 V.S.A. chapter 117 is redesignated to read:

14 CHAPTER 117. VERMONT ~~CRIMINAL CRIME~~
15 INFORMATION CENTER

16 Sec. 2. 20 V.S.A. § 2051 is amended to read:

17 § 2051. CREATION OF CENTER

18 There shall be within the ~~department of public safety~~ Department of Public
19 Safety a center to be known as the Vermont ~~criminal information center~~ Crime
20 Information Center. It shall be the official ~~state~~ State repository for all

1 criminal records, records of the commission of crimes, arrests, convictions,
2 photographs, descriptions, fingerprints, and such other information as the
3 ~~commissioner~~ Commissioner deems pertinent to criminal activity.

4 Sec. 3. 20 VSA § 2056b is amended to read:

5 § 2056b. DISSEMINATION OF CRIMINAL ~~HISTROY~~ HISTORY
6 RECORDS TO PERSONS CONDUCTING RESEARCH

7 (a) The Vermont ~~criminal information center~~ Crime Information Center
8 may provide Vermont criminal history records as defined in section 2056a of
9 this title to bona fide persons conducting research related to the administration
10 of criminal justice, subject to conditions approved by the ~~commissioner of~~
11 ~~public safety~~ Commissioner of Public Safety to assure the confidentiality of the
12 information and the privacy of individuals to whom the information relates.
13 Bulk criminal history data requested by descriptors other than the name and
14 date of birth of the subject may only be provided in a format that excludes the
15 subject's name and any unique numbers that may reference the identity of the
16 subject, except that court docket numbers and the ~~state~~ State identification
17 number may be provided. Researchers shall sign a user agreement ~~which~~ that
18 specifies data security requirements and restrictions on use of identifying
19 information.

20 * * *

1 Sec. 4. 20 V.S.A. § 2056c is amended to read:

2 § 2056c. DISSEMINATION OF CRIMINAL CONVICTION RECORDS TO
3 THE PUBLIC

4 (a) As used in this section:

5 (1) “The ~~center~~ Center” means the Vermont ~~criminal information center~~
6 Crime Information Center.

7 * * *

8 Sec. 5. 20 V.S.A. § 2056d is amended to read:

9 § 2056d. CRIMINAL HISTORY RECORDS AND OTHER
10 IDENTIFICATION RECORDS

11 (a) Statewide criminal history records shall be released only by the
12 Vermont ~~criminal information center~~ Crime Information Center.

13 * * *

14 Sec. 6. 20 V.S.A. § 2056e is amended to read:

15 § 2056e. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
16 DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

17 (a) The ~~department of buildings and general services~~ Department of
18 Buildings and General Services shall obtain from the Vermont ~~criminal~~
19 ~~information center~~ Crime Information Center a Vermont criminal record, an
20 out-of-state criminal record, and a record from the Federal Bureau of
21 Investigation for any applicant for a ~~state~~ State security personnel position who

1 has given written authorization, on a release form prescribed under section
2 2056c of this chapter, pursuant to the provisions of this subchapter and the
3 user's agreement filed by the ~~commissioner of buildings and general services~~
4 Commissioner of Buildings and General Services with the ~~center~~ Center. The
5 user's agreement shall require the ~~department~~ Department to comply with all
6 federal and ~~state~~ State statutes, rules, regulations and policies regulating the
7 release of criminal history records and the protection of individual privacy.
8 The user's agreement shall be signed and kept current by the ~~commissioner~~
9 Commissioner. Release of interstate and Federal Bureau of Investigation
10 criminal history records is subject to the rules and regulations of the Federal
11 Bureau of Investigation's National Crime Information Center.

12 (b) ~~For purposes of~~ As used in this section, "security personnel" means
13 officers or employees of the ~~state~~ State hired to perform security functions for
14 the ~~state~~ State, including, ~~but not limited to:~~ protecting the public health and
15 welfare; patrolling, securing, monitoring, and safekeeping the property,
16 facilities, and grounds of the ~~state~~ State; and exercising other law enforcement
17 duties as may be authorized by ~~state~~ State or federal law.

18 (c) The ~~commissioner of buildings and general services~~ Commissioner of
19 Buildings and General Services shall obtain from the Vermont ~~criminal~~
20 ~~information center~~ Crime Information Center the record of Vermont
21 convictions and pending criminal charges for any security personnel applicant

1 after the applicant has received an offer of employment conditioned on the
2 record check. Nothing herein shall automatically bar a person who has a
3 criminal record from applying or being selected for a security position.

4 (d) The ~~commissioner of buildings and general services~~ Commissioner of
5 Buildings and General Services, through the Vermont ~~criminal information~~
6 ~~center~~ Crime Information Center, shall request the record of convictions and
7 pending criminal charges of the appropriate criminal repositories in all states in
8 which there is reason to believe the applicant has resided or been employed.

9 (e) If no disqualifying record is identified at the ~~state~~ State level, the
10 ~~commissioner of buildings and general services~~ Commissioner of Buildings
11 and General Services, through the Vermont ~~criminal information center~~ Crime
12 Information Center, shall request from the Federal Bureau of Investigation
13 (FBI) a national criminal history record check of the applicant's convictions
14 and pending criminal charges. The request to the FBI shall be accompanied by
15 a set of the applicant's fingerprints and a fee established by the Vermont
16 ~~criminal information center which~~ Crime Information Center that shall be paid
17 by the ~~department of buildings and general services~~ Department of Buildings
18 and General Services.

19 (f) The Vermont ~~criminal information center~~ Crime Information Center
20 shall send to the requester any record received pursuant to this section or

1 inform the ~~department of buildings and general services~~ Department of
2 Buildings and General Services that no record exists.

3 (g) The ~~department of buildings and general services~~ Department of
4 Buildings and General Services shall promptly provide a copy of any record of
5 convictions and pending criminal charges to the applicant and shall inform the
6 applicant of the right to appeal the accuracy and completeness of the record
7 pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime
8 Information Center.

9 * * *

10 Sec. 7. 20 V.S.A. § 2056f is amended to read:

11 § 2056f. DISSEMINATION OF CRIMINAL HISTORY RECORDS AND
12 CRIMINAL CONVICTIONS RECORDS TO AN INDIVIDUAL

13 A person may obtain a copy of his or her own criminal history record as
14 defined in section 2056a of this title or criminal conviction record as defined in
15 section 2056c of this title or a statement that no record exists from the Vermont
16 ~~criminal information center~~ Crime Information Center. Copies of a person's
17 criminal history record and criminal conviction record may be obtained by
18 making a personal appearance at the ~~center~~ Center during regular business
19 hours or by written request. Written requests shall be on a form specified by
20 the ~~center~~ Center and shall contain the person's name, date of birth, place of

1 birth, and signature as attested to by a notary public. A raised seal must be
2 affixed to the form.

3 Sec. 8. 20 V.S.A. § 2056h is amended to read:

4 § 2056h. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
5 DEPARTMENT OF FINANCIAL REGULATION

6 (a) The Department of Financial Regulation shall obtain from the Vermont
7 ~~Criminal Crime~~ Crime Information Center a Vermont criminal record, an out-of-state
8 criminal record, and a record from the Federal Bureau of Investigation (FBI) or
9 any applicant for a banking division examiner position who has given written
10 authorization, on a release form prescribed under section 2056c of this chapter,
11 pursuant to the provisions of this subchapter and the user's agreement filed by
12 the Commissioner of Financial Regulation with the ~~center~~ Center. The user's
13 agreement shall require the Department to comply with all federal and State
14 statutes, rules, regulations, and policies regulating the release of criminal
15 history records, and the protection of individual privacy. The user's agreement
16 shall be signed and kept current by the Commissioner. Release of interstate
17 and F.B.I. criminal history records is subject to the rules and regulations of the
18 F.B.I.'s National Crime Information Center.

19 (b) ~~For purposes of~~ As used in this section, "banking division examiner"
20 means employees of the State hired to perform onsite or offsite examinations
21 of banks, credit unions, or any other entity licensed, regulated, or otherwise

1 under the jurisdiction of the Banking Division of the Department of Financial
2 Regulation.

3 (c) The Commissioner of Financial Regulation shall obtain from the
4 Vermont ~~Criminal~~ Crime Information Center the record of Vermont
5 convictions and pending criminal charges for any banking division examiner
6 applicant after the applicant has received an offer of employment conditioned
7 on the record check. Nothing herein shall automatically bar a person who has
8 a criminal record from applying or being selected for a banking division
9 examiner position.

10 (d) The Commissioner of Financial Regulation, through the Vermont
11 ~~Criminal~~ Crime Information Center, shall request the record of convictions and
12 pending criminal charges of the appropriate criminal repositories in all states in
13 which there is reason to believe the applicant has resided or been employed.

14 (e) If no disqualifying record is identified at the ~~state~~ State level, the
15 Commissioner of Financial Regulation, through the Vermont ~~Criminal~~ Crime
16 Information Center, shall request from the Federal Bureau of Investigation
17 (FBI) a national criminal history record check of the applicant's convictions
18 and pending criminal charges. The request to the FBI shall be accompanied by
19 a set of the applicant's fingerprints and a fee established by the Vermont
20 ~~Criminal~~ Crime Information Center, which shall be paid by the Department of
21 Financial Regulation.

1 (f) The Vermont ~~Criminal~~ Crime Information Center shall send to the
2 requester any record received pursuant to this section or inform the Department
3 of Financial Regulation that no record exists.

4 (g) The Department of Financial Regulation shall promptly provide a copy
5 of any record of convictions and pending criminal charges to the applicant and
6 shall inform the applicant of the right to appeal the accuracy and completeness
7 of the record pursuant to rules adopted by the Vermont ~~Criminal~~ Crime
8 Information Center.

9 * * *

10 Sec. 9. 20 V.S.A. § 2062 is amended to read:

11 § 2062. FINGERPRINTING FEES

12 State, county, and municipal law enforcement agencies may charge a fee of
13 not more than \$25.00 for providing persons with a set of classifiable
14 fingerprints. No fee shall be charged to retake fingerprints determined by the
15 Vermont ~~criminal information center~~ Crime Information Center not to be
16 classifiable. Fees collected by the ~~state~~ State of Vermont under this section
17 shall be credited to the ~~fingerprint fee special fund~~ Fingerprint Fee Special
18 Fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5
19 ~~of chapter 7 of Title 32~~, and shall be available to the ~~department of public~~
20 ~~safety~~ Department of Public Safety to offset the costs of providing these
21 services.

1 Sec. 10. 20 V.S.A. § 2063 is amended to read:

2 § 2063. CRIMINAL HISTORY RECORD FEES; CRIMINAL HISTORY
3 RECORD CHECK FUND

4 (a) Except as otherwise provided for in this section, the cost of each check
5 for a criminal history record as defined in section 2056a of this title or a
6 criminal conviction record as defined in section 2056c of this title based on
7 name and date of birth shall be \$30.00. Out-of-state criminal history record
8 checks shall include any additional fees charged by the ~~state~~ State from which
9 the record is requested.

10 (b) Requests made by criminal justice agencies for criminal justice
11 purposes or other purposes authorized by ~~state~~ State or federal law shall be
12 exempt from all record check fees. The following types of requests shall be
13 exempt from the Vermont criminal record check fee:

14 (1) Requests made by any individual, organization, or governmental
15 body doing business in Vermont ~~which~~ that has one or more individuals
16 performing services for it within this ~~state~~ State and ~~which~~ is a qualified entity
17 that provides care or services to children, the elderly, or persons with
18 disabilities as defined in 42 U.S.C. § 5119c.

19 (2) Requests made by researchers approved by the Vermont ~~criminal~~
20 ~~information center~~ Crime Information Center to conduct research related to the
21 administration of criminal justice. A fee, however, may be charged by the

1 ~~center~~ Center which shall reflect the cost of generating the requested
2 information.

3 (3) Requests made by individuals to review their own record at the
4 Vermont ~~criminal information center~~ Crime Information Center; however,
5 copies of the individual's record are not exempt from the record check fee.

6 * * *

7 Sec. 11. 15A V.S.A. § 1-113 is amended to read:

8 § 1-113. CRIMINAL RECORD CHECKS

9 (a) Criminal record checks required under this title shall be obtained as
10 provided in this section.

11 (b) The ~~commissioner of the department for children and families services~~
12 Commissioner for Children and Families or any judge of the ~~probate division~~
13 ~~of the superior court~~ Probate Division of the Superior Court shall obtain from
14 the Vermont ~~criminal information center~~ Crime Information Center the record
15 of Vermont convictions and pending criminal charges for any person being
16 evaluated to be an adoptive parent.

17 (c) The ~~commissioner or probate~~ Commissioner or Probate judge, through
18 the Vermont ~~criminal information center~~ Crime Information Center shall
19 request the record of convictions and pending criminal charges of the
20 appropriate criminal repositories in all states in which there is reason to believe
21 the applicant has resided or been employed.

1 (d) If no disqualifying record is identified at the ~~state~~ State level, the
2 ~~commissioner or probate~~ Commissioner or Probate judge through the Vermont
3 ~~criminal information center~~ Crime Information Center shall request from the
4 Federal Bureau of Investigation (FBI) a national criminal history record check
5 of the applicant's convictions and pending criminal charges. The request to the
6 FBI shall be accompanied by a set of the applicant's fingerprints and a fee
7 established by the Vermont ~~criminal information center~~ Crime Information
8 Center which shall be paid by the applicant and shall reflect the cost of
9 obtaining the record from the FBI.

10 (e) The Vermont ~~criminal information center~~ Crime Information Center
11 shall send to the requester any record received pursuant to this section or
12 inform the requester that no record exists.

13 (f) The requester shall promptly provide a copy of any record of
14 convictions and pending criminal charges to the applicant and shall inform the
15 applicant of the right to appeal the accuracy and completeness of the record
16 pursuant to rules adopted by the Vermont ~~criminal information center~~ Crime
17 Information Center.

18 * * *

1 Sec. 12. 16 V.S.A. § 254 is amended to read:

2 § 254. EDUCATOR LICENSURE; EMPLOYMENT OF
3 SUPERINTENDENTS

4 (a) The Secretary shall sign and keep a user agreement with the Vermont
5 ~~criminal information center~~ Crime Information Center.

6 (b) The Secretary shall request and obtain from the Vermont ~~Criminal~~
7 Crime Information Center the criminal record for any person applying for an
8 initial license as a professional educator or for reinstatement of a license that
9 has lapsed pursuant to subdivision 256(a)(1)(C) of this title or for any person
10 who is offered a position as superintendent of schools in Vermont.

11 (c) A request made under subsection (b) of this section shall be
12 accompanied by a release signed by the person on a form provided by the
13 Vermont ~~Criminal~~ Crime Information Center, a set of the person's fingerprints,
14 and a fee established by the Vermont ~~Criminal~~ Crime Information Center
15 which shall reflect the cost of obtaining the record. The fee shall be paid by
16 the applicant. The release form to be signed by the applicant shall include a
17 statement informing the applicant of:

18 (1) the right to challenge the accuracy of the record by appealing to the
19 Vermont ~~Criminal~~ Crime Information Center pursuant to rules adopted by the
20 Commissioner of Public Safety; and

1 (b) After signing a user agreement, a superintendent or a headmaster shall
2 make a request directly to the Vermont ~~criminal information center~~ Crime
3 Information Center. A contractor shall make a request through a
4 superintendent or headmaster.

5 (c) A request made under subsection (b) of this section shall be
6 accompanied by a set of the person's fingerprints and a fee established by the
7 Vermont ~~criminal information center~~ Crime Information Center which shall
8 reflect the cost of obtaining the record from the FBI. The fee shall be paid in
9 accordance with adopted school board policy.

10 (d)(1) Upon completion of a criminal record check, the Vermont ~~criminal~~
11 ~~information center~~ Crime Information Center shall send to the superintendent a
12 notice that no record exists or, if a record exists, a copy of any criminal record.

13 (2) Upon completion of a criminal record check, the Vermont ~~criminal~~
14 ~~information center~~ Crime Information Center shall send to the headmaster a
15 notice that no record exists or, if a record exists:

16 (A) A copy of Vermont criminal convictions.

17 (B) A notice of any criminal record which is located in either another
18 ~~state~~ State repository or FBI records, but not a record of the specific
19 convictions. However, if there is a record relating to any crimes of a sexual
20 nature involving children, the Vermont ~~criminal information center~~ Crime
21 Information Center shall send this record to the ~~commissioner~~ Commissioner

1 who shall notify the headmaster in writing, with a copy to the person about
2 whom the request was made, that the record includes one or more convictions
3 for a crime of a sexual nature involving children.

4 * * *

5 (g)(1) Following notice that a headmaster was notified that a criminal
6 record which is located in either another state repository or FBI records exists,
7 a person may:

8 (A) ~~Sign~~ sign a form authorizing the Vermont ~~criminal information~~
9 ~~center~~ Crime Information Center to release a detailed copy of the criminal
10 record to the person; or

11 (B) ~~Decline~~ decline or resign employment.

12 (2) Any person subject to a criminal record check pursuant to this
13 section may challenge the accuracy of the record by appealing to the Vermont
14 ~~criminal information center~~ Crime Information Center pursuant to rules
15 adopted by the ~~commissioner of public safety~~ Commissioner of Public Safety.

16 * * *

17 Sec. 14. 18 V.S.A. § 4474 is amended to read:

18 § 4474. REGISTERED CAREGIVERS; QUALIFICATION STANDARDS
19 AND PROCEDURES

20 * * *

1 (b) Prior to acting on an application, the ~~department~~ Department shall
2 obtain from the Vermont ~~criminal information center~~ Crime Information
3 Center a Vermont criminal record, an out-of-state criminal record, and a
4 criminal record from the Federal Bureau of Investigation for the applicant. ~~For~~
5 ~~purposes of~~ As used in this subdivision, “criminal record” means a record of
6 whether the person has ever been convicted of a drug-related crime. Each
7 applicant shall consent to release of criminal records to the ~~department~~
8 Department on forms substantially similar to the release forms developed by
9 the ~~center~~ Center pursuant to 20 V.S.A. § 2056c. The ~~department~~ Department
10 shall comply with all laws regulating the release of criminal history records
11 and the protection of individual privacy. The Vermont ~~criminal information~~
12 ~~center~~ Crime Information Center shall send to the requester any record
13 received pursuant to this section or inform the ~~department of public safety~~
14 Department of Public Safety that no record exists. If the ~~department~~
15 Department disapproves an application, the ~~department~~ Department shall
16 promptly provide a copy of any record of convictions and pending criminal
17 charges to the applicant and shall inform the applicant of the right to appeal the
18 accuracy and completeness of the record pursuant to rules adopted by the
19 Vermont ~~criminal information center~~ Crime Information Center. No person
20 shall confirm the existence or nonexistence of criminal record information to

1 any person who would not be eligible to receive the information pursuant to
2 this subchapter.

3 * * *

4 Sec. 15. 26 V.S.A. § 1353 is amended to read:

5 § 1353. POWERS AND DUTIES OF THE BOARD

6 The Board shall have the following powers and duties to:

7 * * *

8 (8) Obtain, at the Board's discretion, from the Vermont ~~Criminal~~ Criminal Crime
9 Information Center a Vermont criminal history record, an out-of-state criminal
10 history record, and a criminal history record from the Federal Bureau of
11 Investigation, for any applicant, licensee, or holder of certification. The Board
12 may also inquire of Interpol for any information on criminal history records of
13 an applicant, licensee, or holder of certification. Each applicant, licensee, or
14 holder of certification shall consent to the release of criminal history records to
15 the Board on forms substantially similar to the release forms developed in
16 accordance with 20 V.S.A. § 2056c. When the Board obtains a criminal
17 history record, it shall promptly provide a copy of the record to the applicant,
18 licensee, or holder of certification and inform him or her of the right to appeal
19 the accuracy and completeness of the record pursuant to rules adopted by the
20 Vermont ~~Criminal~~ Criminal Crime Information Center. When fingerprinting is required
21 pursuant to this subdivision, the applicant, licensee, or holder of certification

1 shall bear all costs associated with fingerprinting. The Board shall comply
2 with all laws regulating the release of criminal history records and the
3 protection of individual privacy. No person shall confirm the existence or
4 nonexistence of criminal history record information to any person who would
5 not be eligible to receive the information pursuant to this chapter. ~~For~~
6 ~~purposes of~~ As used in this subdivision, "criminal history record" is as defined
7 in 20 V.S.A. § 2056a.

8 * * *

9 Sec. 16. 26 V.S.A. § 3173 is amended to read:

10 § 3173. PRIVATE INVESTIGATOR LICENSES

11 * * *

12 (b) The ~~board~~ Board may inquire of the Vermont ~~criminal information~~
13 ~~center~~ Crime Information Center for any information on criminal records of the
14 applicant, and the ~~center~~ Center shall provide such information to the ~~board~~
15 Board. The ~~board~~ Board, through the Vermont ~~criminal information center~~
16 Crime Information Center, may also inquire of the appropriate state criminal
17 record repositories in all states in which it has reason to believe an applicant
18 has resided or been employed, and it may also inquire of the Federal Bureau of
19 Investigation, for any information on criminal records of the applicant. The
20 applicant shall bear the costs associated with fingerprinting. The ~~board~~ Board

1 may also make additional inquiries it deems necessary into the character,
2 integrity, and reputation of the applicant.

3 * * *

4 Sec. 17. 26 V.S.A. § 3176 is amended to read:

5 § 3176. EMPLOYEES OF AGENCIES

6 * * *

7 (d) The ~~board~~ Board may inquire of the Vermont ~~criminal information~~
8 ~~center~~ Crime Information Center for any information on criminal records of all
9 agency employees registering with the ~~board~~ Board, and the ~~center~~ Center shall
10 provide such information to the ~~board~~ Board. The ~~board~~ Board, through the
11 Vermont ~~criminal information center~~ Crime Information Center, may also
12 inquire of the appropriate state criminal record repositories in all states in
13 which it has reason to believe an employee has resided or been employed, and
14 it may also inquire of the Federal Bureau of Investigation for any information
15 on criminal records of the employee. The ~~board~~ Board may also make such
16 additional inquiries it deems necessary into the character, integrity, and
17 reputation of the employee.

18 * * *

19 Sec. 18. 33 V.S.A. § 5255 is amended to read:

20 § 5255. TEMPORARY CARE HEARING

21 * * *

1 (e) The Department shall provide the following information to the Court at
2 the hearing:

3 * * *

4 (5)(A) The identity of a noncustodial parent and any relatives known to
5 the Department who may be suitable, willing, and available to assume
6 temporary custody of the child.

7 * * *

8 (C) The Department shall request from the Vermont ~~Criminal~~ Crime
9 Information Center criminal history record information for any person being
10 considered to assume temporary legal custody of the child pursuant to this
11 subdivision. The request shall be in writing and shall be accompanied by a
12 release signed by the person. The Department through the Vermont ~~Criminal~~
13 Crime Information Center shall request criminal history record information
14 from the appropriate state criminal repositories in all states in which it has
15 reason to believe the person has resided or been employed. If no disqualifying
16 record is identified at the state level, the Department through the Vermont
17 ~~Criminal~~ Crime Information Center shall request from the Federal Bureau of
18 Investigation a National Criminal History Record Check of the person's
19 criminal history. The request to the FBI shall be accompanied by a set of the
20 person's fingerprints and a fee established by the Vermont ~~Criminal~~ Crime
21 Information Center. The Vermont ~~Criminal~~ Crime Information Center shall

1 send the Department the criminal history record from any state repository and
2 the FBI of a person about whom a request is made under this subdivision or
3 inform the Department that no record exists. The Department shall promptly
4 provide a copy of the criminal history record, if any, to the person and shall
5 inform the person that he or she has the right to appeal the accuracy and
6 completeness of the record through the Vermont ~~Criminal~~ Crime Information
7 Center. Upon completion of the process under this subdivision, the person's
8 fingerprint card shall be destroyed.

9 * * *

10 Sec. 19. 33 V.S.A. § 5307 is amended to read:

11 § 5307. TEMPORARY CARE HEARING

12 * * *

13 (e) The Department shall provide the following information to the Court at
14 the hearing:

15 * * *

16 (5)(A) The identity and location of a noncustodial parent, a relative, or
17 person with a significant relationship with the child known to the Department
18 who may be appropriate, capable, willing, and available to assume temporary
19 legal custody of the child. If the noncustodial parent cannot be located, the
20 Department shall provide to the Court a summary of the efforts made to locate
21 the parent.

1 * * *

2 (C) The Department shall request from the Vermont ~~Criminal~~ Crime
3 Information Center criminal history record information for any person being
4 considered to assume temporary legal custody of the child pursuant to this
5 subdivision. The request shall be in writing and shall be accompanied by a
6 release signed by the person. The Department through the Vermont ~~Criminal~~
7 Crime Information Center shall request criminal history record information
8 from the appropriate state criminal repositories in all states in which it has
9 reason to believe the person has resided or been employed. If no disqualifying
10 record is identified at the state level, the ~~department~~ Department through the
11 Vermont ~~Criminal~~ Crime Information Center shall request from the Federal
12 Bureau of Investigation a national criminal history record check of the person's
13 criminal history. The request to the FBI shall be accompanied by a set of the
14 person's fingerprints and a fee established by the Vermont ~~Criminal~~ Crime
15 Information Center. The Vermont ~~Criminal~~ Crime Information Center shall
16 send the Department the criminal history record from any state repository and
17 the FBI of a person about whom a request is made under this subdivision or
18 inform the Department that no record exists. The Department shall promptly
19 provide a copy of the criminal history record, if any, to the person and shall
20 inform the person that he or she has the right to appeal the accuracy and
21 completeness of the record through the Vermont ~~Criminal~~ Crime Information

1 Center. Upon completion of the process under this subdivision, the person's
2 fingerprint card shall be destroyed.

3 * * *

4 Sec. 20. EFFECTIVE DATE

5 This act shall take effect on July 1, 2014.