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Act No. 94 (H.741). Property; State buildings; Public safety; State contracting; Criminal records

An act relating to criminal record checks on contractors working in State-owned or -leased facilities

This act authorizes the Department of Buildings and General Services to conduct criminal history record checks on private contractors performing functions or services for the Department in State-owned or -leased property and grant approved levels of access to private contractors based on the results of the record checks.

Sec. 1 of the act amends the section heading of 20 V.S.A. § 2056e (Dissemination of Criminal History Records to the Department of Buildings and General Services) to clarify that the section applies to the authority of BGS to access criminal records for security personnel (as opposed to the new authority created in 20 V.S.A. § 2056i).

Sec. 2 of this act:

- Adds 20 V.S.A. § 2056i (Dissemination of Criminal History Records to the Department of Buildings and General Services; Private Contractors) authorizing the Department of Buildings and General Services to obtain from the Vermont Criminal Information Center a criminal record for any person who is or will be working in a private contractor position and any applicant for a private contractor position, provided that they have given written authorization to do so. The authority only applies to a private contractor who is performing specific services or functions for the Department of Buildings and General Services on State-owned or -leased property pursuant to a contract with the State, and it covers any subcontractors and individuals employed by the contractor performing these services or functions.
- Requires the Department of Buildings and General Services to enter into a user agreement regarding the release of criminal records with the Vermont Criminal Information Center.
- Requires that any records obtained under this authority remain confidential unless a limited exception applies.

- Authorizes the Commissioner of Buildings and General Services to inform the private contractor of the approved level of access granted to each person for whom a record was obtained.
- Authorizes the Commissioner of Buildings and General Services to recheck of a criminal record for any person working in a private contractor position every three years or as otherwise required by law.
- Requires the Commissioner of Buildings and General Services to maintain records pursuant to the time period set forth in the user agreement and destroy the records in accordance with the user agreement.

Effective Date: April 28, 2020