

H.741

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

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

Sec. 1. 20 V.S.A. § 2056e is redesignated to read:

§ 2056e. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;
SECURITY PERSONNEL

Sec. 2. 20 V.S.A. § 2056i is added to read:

§ 2056i. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;
PRIVATE CONTRACTORS

(a) Definitions. As used in this section:

(1) “Criminal record” means the record of:

(A) convictions in Vermont; or

(B) convictions in other jurisdictions recorded in other state

repositories or by the Federal Bureau of Investigation (FBI).

(2) “Private contractor” means any individual 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 or a subcontract with a person who has contracted with the State and
includes an individual who is employed by a person that 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 or a subcontract with a person who has contracted with the State.

(b) Authority. The Department of Buildings and General Services may obtain from the Vermont Crime Information Center a Vermont criminal record, an out-of-state criminal record, and a record from the Federal Bureau of Investigation for any person who is or will be working in a private contractor position and any applicant for a private contractor position who has given written authorization, on a release form prescribed by the Center, pursuant to the provisions of this subchapter and the user's agreement filed by the Commissioner of Buildings and General Services with the Center. The user's agreement shall require the Department to comply with all federal and State statutes, rules, regulations, and policies regulating the release of criminal history records and the protection of individual privacy. The user's agreement shall be signed and kept current by the Commissioner. Release of interstate and Federal Bureau of Investigation criminal history records is subject to the rules and regulations of the Federal Bureau of Investigation's National Crime Information Center.

(c) Request process. A request made under this section shall be accompanied by a set of the person's fingerprints.

(d) Notice of records. Upon completion of a criminal record check, the Vermont Crime Information Center shall send to the Commissioner a notice that no record exists or, if a record exists, a copy of any criminal record.

(e) Process for sending information. The Commissioner may inform the contractor in writing of the approved level of access granted but shall not reveal the content of the record to the contractor.

(f) Notice of rights. Information sent to a person by the Commissioner of Buildings and General Services under subsection (e) of this section shall be accompanied by a written notice of the person's rights under subsection (g) of this section, a description of the policy regarding maintenance and destruction of records, and the person's right to request that the notice of no record or record be maintained for purposes of using it to comply with future criminal record check requests pursuant to subsection (i) of this section.

(g) Appeal. Any person subject to a criminal record check pursuant to this section may challenge the accuracy of the record by appealing to the Vermont Crime Information Center pursuant to rules adopted by the Commissioner of Public Safety.

(h) Confidentiality. Criminal records and criminal record information received under this section are designated confidential unless, under State or federal law or regulation, the record or information may be disclosed to specifically designated persons.

(i) Recheck of records request. The Commissioner may request a name and date of birth or fingerprint-supported recheck of the criminal record for any person who is working in a private contractor position every three years or as otherwise required by law.

(j) Maintenance of records. The Commissioner shall maintain the record or information pursuant to the user agreement for maintenance of records. At the end of the time required by the user agreement for maintenance of the information, the Commissioner shall destroy the information in accordance with the user agreement.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2020.