

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred
3 House Bill No. 741 entitled “An act relating to criminal record checks on
4 contractors working in State-owned or -leased facilities” respectfully reports
5 that it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 2056e. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
10 DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;
11 SECURITY PERSONNEL

12 * * *

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

14 § 2056i. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
15 DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;
16 PRIVATE CONTRACTORS

17 (a) Definitions. As used in this section:

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

19 (A) convictions in Vermont; or

20 (B) convictions in other jurisdictions recorded in other state
21 repositories or by the Federal Bureau of Investigation (FBI).

1 (2) “Private contractor” includes an individual who is employed
2 by a business that is performing specific services or functions for the
3 Department of Buildings and General Services on State-owned or -leased
4 property pursuant to a contract with the State or a subcontract with a person
5 who has contracted with the State.

6 (b) Authority. The Department of Buildings and General Services may
7 obtain from the Vermont Crime Information Center a Vermont criminal record,
8 an out-of-state criminal record, and a record from the Federal Bureau of
9 Investigation for any applicant for a private contractor position who has given
10 written authorization, on a release form prescribed by the Center, pursuant to
11 the provisions of this subchapter and the user’s agreement filed by the
12 Commissioner of Buildings and General Services with the 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 Federal Bureau of Investigation criminal history records is subject to the
18 rules and regulations of the Federal Bureau of Investigation’s National Crime
19 Information Center.

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

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

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

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

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

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

1 (i) Recheck of records request. The Commissioner may request a name
2 and date of birth or fingerprint supported recheck of the criminal record:

3 (1) if the record has not been rechecked in at least three years;

4 (2) if there is a reason to believe the subject’s criminal record has
5 changed; or

6 (3) if it is otherwise required by law.

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

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on July 1, 2020.

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16 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE