

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 redesignated to read:

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

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

13 § 2056i. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE
14 DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;
15 PRIVATE CONTRACTORS

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

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

18 (A) convictions in Vermont; or

19 (B) convictions in other jurisdictions recorded in other state

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

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

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

1 rules and regulations of the Federal Bureau of Investigation’s National Crime
2 Information Center.

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

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

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

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

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

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

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

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

14 Sec. 3. EFFECTIVE DATE

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

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18 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE