

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) 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 on State-owned
3 or -leased property pursuant to a contract with the State or a subcontract with a
4 person who has contracted with the State.

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

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

1 Vermont Crime Information Center that shall reflect the cost of obtaining the
2 record from the FBI.

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

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

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

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

20 (h) Confidentiality. Criminal records and criminal record information
21 received under this section are designated confidential unless, under State or

1 federal law or regulation, the record or information may be disclosed to
2 specifically designated persons.

3 (i) Recheck of records request. The Commissioner shall request a name
4 and date of birth or fingerprint supported recheck of the criminal record:

5 (1) every three years;

6 (2) if there is a reason to believe the subject's criminal record has
7 changed; or

8 (3) 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: _____)

19 _____
20 Representative _____

21 FOR THE COMMITTEE