

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 705  
SENATE BILL 766

AN ACT TO PROVIDE THAT THE DEPARTMENT OF JUSTICE MAY PROVIDE A CRIMINAL RECORD CHECK TO THE EMPLOYER OF A SCHOOL EMPLOYEE OR POTENTIAL EMPLOYEE WITH THE CONSENT OF THE EMPLOYEE OR APPLICANT.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 114 is amended by adding a new section to read:

**"§ 114-19.2. Criminal record checks of school personnel.**

(a) The Department of Justice may provide a criminal record check to the local board of education of a person who is employed in a public school in that local school district or of a person who has applied for employment in a public school in that local school district, if the employee or applicant consents to the record check. The information shall be kept confidential by the local board of education as provided in Article 21A of Chapter 115C.

(b) The Department of Justice may provide a criminal record check to the employer of a person who is employed in a nonpublic school or of a person who has applied for employment in a nonpublic school, if the employee or applicant consents to the record check. For purposes of this subsection, the term nonpublic school is one that is subject to the provisions of Article 39 of Chapter 115C of the General Statutes, but does not include a home school as defined in that Article.

(c) The Department of Justice shall charge a reasonable fee for conducting a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(d) The Department of Justice shall adopt rules to implement this section."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 15th day of July, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives