

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 549
Second Edition Engrossed 4/29/93

Short Title: Crim. Record Checks/Area Personnel.

(Public)

Sponsors: Senators Lee; Tally, Ward, Forrester, Smith, Harris, Walker, Edwards, and Richardson.

Referred to: Finance.

March 24, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE DEPARTMENT OF JUSTICE MAY PROVIDE
2 CRIMINAL RECORD CHECKS TO AREA MENTAL HEALTH,
3 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE
4 AUTHORITIES AND THEIR CONTRACT AGENCIES.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Article 4 of Chapter 114 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 114-19.3. Criminal record checks of personnel of area mental health,**
10 **developmental disabilities, and substance abuse authorities or their**
11 **contract agencies.**

12 (a) The Department of Justice may provide a criminal record check to the area
13 mental health, developmental disabilities, and substance abuse authority of a person
14 who is employed by the area authority or of a person who has applied for employment if
15 the employee or applicant consents to the record check. The information shall be kept
16 confidential by the area authority.

17 (b) The Department of Justice may provide a criminal record check to the
18 employer of a person who is employed in a contract agency of an area mental health,
19 developmental disabilities, and substance abuse authority, or of an area mental health,
20 developmental disabilities, and substance abuse authority, if the employee or applicant
21 consents to the record check. The information shall be kept confidential by the contract
22 agency. For purposes of this subsection, the term 'contract agency of an area mental

1 health, developmental disabilities, and substance abuse authority' means one that is
2 subject to the provisions of Article 4 of Chapter 122C of the General Statutes.

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

6 (d) The Department of Justice shall adopt rules to implement this section."
7 Sec. 2. This act is effective upon ratification.