



U.S. Department of Justice
Office of Legislative Affairs

Deputy Assistant Attorney General

Washington, D.C. 20530

June 3, 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Speaker:

Section 1614 of the Serve America Act requires the Attorney General to conduct a study on the feasibility of performing fingerprint-based criminal history background checks on individuals that participate in national service programs. Section 1614 also requires the Attorney General to submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities. Enclosed please find a copy of the required interim report.

We hope this information is helpful. Please do not hesitate to contact this office if we may be of further assistance with this or any other matter.

Sincerely,

Ronald Weich
Assistant Attorney General

Enclosure

**INTERIM REPORT
ON
THE FEASIBILITY OF PERFORMING
FINGERPRINT-BASED CRIMINAL HISTORY
BACKGROUND CHECKS ON INDIVIDUALS
THAT PARTICIPATE IN NATIONAL
SERVICE PROGRAMS**

December 24, 2009

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EXECUTIVE SUMMARY

On April 21, 2009, the U.S. President signed into law the “Edward M. Kennedy Serve America Act of 2009.” The Act reauthorizes and expands national service programs administered by the Corporation for National and Community Service.

Section 1614 of the Serve America Act requires the U.S. Attorney General to conduct a study on the feasibility of performing fingerprint-based criminal history background checks on individuals that participate in national service programs. Section 1614 also requires the U.S. Attorney General to submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

The authority for the Federal Bureau of Investigation (FBI) to conduct fingerprint-based criminal history record checks for noncriminal justice purposes is derived from Public Law (Pub. L.) 92-544. This law, enacted in 1972, authorizes the FBI to exchange identification records with officials of local and state governments for purposes of licensing and employment if such exchanges are authorized by a state statute that has been approved by the U.S. Attorney General.

The FBI and state criminal history record repositories are also authorized to provide criminal history record information (excluding sealed records) to criminal justice agencies, governmental, and nongovernmental agencies for noncriminal justice purposes allowed by federal statute or federal executive order that authorizes national background checks.

The majority of criminal history record checks for noncriminal justice purposes are conducted by local and state agencies. In Fiscal Year (FY) 2009, the FBI received 9.3 million non-federal civil fingerprint submissions. States routinely process criminal history record checks for law enforcement agencies for approved noncriminal justice purposes; individuals requesting a copy of their own criminal history record; or authorized entities for employment and licensing purposes.

Every state has established policy and procedures for requesting state and national criminal history records for noncriminal justice purposes. These policies and procedures, which vary from state to state, address topics such as who can get access to criminal history records and for what purpose; what information is contained in the record; and the appropriate use and dissemination of the information. These policies and procedures are designed to assure the quality, confidentiality, and security of the criminal history record information. They also help to ensure the information is used in a fair and lawful manner.

The FBI's, Criminal Justice Information Services (CJIS) Division, collected data on the current state of civil fingerprint processing at the federal, state, and local level. The data was collected, in part, from the results of a 2003 survey conducted of administrators of state criminal history record repositories. The data was updated with information obtained from subsequent surveys and reports, as well as information obtained from state websites.

Based on the findings of the study, it was determined that many states have established successful programs for performing criminal history record background checks on individuals that provide care to children and other vulnerable citizens. A preliminary review of the results of the study revealed the following:

- All states have established policies, practices, and standards for performing state and national criminal history record checks for noncriminal justice purposes. In FY 2009, the CJIS Division received over 9.3 million civil fingerprint submissions from the 50 states and the District of Columbia.
- In FY 2009, 91 percent of all nonfederal civil fingerprint submissions were sent electronically compared to 73 percent in FY 2003.
- In general, a state is more likely to participate in a nationwide system for performing criminal history record checks if the system is consistent with the state's existing policies and procedures for performing state and national criminal history record checks; the state has the infrastructure and sufficient capacity to process the fingerprints; and the state is authorized to establish and collect a fee for performing the background checks.

- Many states have developed cost-efficient and effective practices for performing the core components of the criminal history record check process. Among the best practices adopted by the states are the establishment of privately operated fingerprint centers to provide live-scan fingerprint services to applicants and volunteers; the use of a secure web site to disseminate criminal history record information to individuals and authorized recipients; and, the establishment of security and confidentiality policies and practices for the collection, maintenance, use, and disclosure of criminal history record information.
- As the number of authorized noncriminal justice checks of FBI-maintained criminal history record information has grown over the years, many states have turned to the use of private vendors to perform some or all aspects of the criminal history background check process.
- The use of private vendors to capture and submit fingerprints reduces turnaround time and improves fingerprint quality.
- The extent of state participation in the National Child Protection Act (NCPA), as amended by the Volunteers for Children (VCA) Act, varies from state to state. Forty-nine states and the District of Columbia have enacted statutes authorizing national fingerprint-based criminal history background checks on one or more categories of employees, licensees, or volunteers who work for organizations that provide care to children.
- All states have adopted privacy-related policies and practices regarding the collection, maintenance, use, and disclosure of criminal history record information. These policies and practices include the enactment of legislation governing the access to and dissemination of criminal history record information; requirement for qualified entities to sign privacy and security agreements; implementation of guidelines on record retention and dissemination; and performance of security audits.

BACKGROUND

On April 21, 2009, the U.S. President signed into law the "Edward M. Kennedy Serve America Act." The Act reauthorizes and expands national service programs administered by the Corporation for National and Community Service. Section 1614 of the Serve America Act directs the U.S. Attorney General to conduct a feasibility study on the efficiency and effectiveness of local and state criminal history checks, including the following information:

- A. The state of criminal history checks, including the use of fingerprint collection, at the state and local level, including the available infrastructure for conducting criminal history checks; the state system capacities to conduct such criminal history checks; and the time required for each state to process an individual's fingerprints for a national criminal history background check through the FBI, from the time of fingerprint collection to the submission to the FBI.
- B. The likelihood that each state would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.
- C. The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.
- D. The impact of the national service laws on the Integrated Automated Fingerprint Identification System (IAFIS) of the FBI in terms of capacity and impact on other users of the system, including the effect on work practices and staffing levels of the FBI.
- E. The fees charged by the FBI, states, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.
- F. The existence of model or best practice programs regarding conducting criminal history record checks that could easily be expanded and duplicated in other states.

- G. The extent to which private companies are currently performing criminal history checks and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.
- H. The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.
- I. The extent of state participation in the procedures for background checks under the National Child Protection Act of 1993 (Title 42 United States Code (U.S.C.) 5119 et seq.).
- J. The extent to which states provide access to nationwide criminal history record checks to organizations that serve children.
- K. The extent to which states permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the federal level.
- L. Any privacy concerns that may arise from nationwide criminal background checks for participants.
- M. Any other information determined relevant by the U.S. Attorney General.

SCOPE AND METHODOLOGY

This report is based in part upon the results obtained from a survey conducted of administrators of state criminal history record repositories in May–July 2003. A total of 53 jurisdictions were surveyed, including the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. The FBI received responses from 52 (98 percent) of the 53 jurisdictions. The survey consisted of eleven questions, each pertaining to the procedures established by the state for conducting noncriminal justice background checks. Telephone surveys and face-to-face interviews supplemented the information provided by the mailed surveys as deemed necessary.

Information regarding state criminal history record repositories was obtained from the *Survey of State Criminal History Information Systems, 2008*, which was prepared by The National Consortium for Justice Information and Statistics (SEARCH), in cooperation with the Bureau of Justice Statistics. Information was also obtained from official state web sites.

The Corporation for National and Community Service (Corporation) provided information on the number of participants that would require a national criminal history record check under the national service laws and the existence of model programs or best practices for performing national criminal history record checks that could be expanded and duplicated in other states.

The FBI reviewed the list of approved Pub. L. 92-544 state statutes to determine the extent that the states participate in the National Child Protection Act, as amended by the Volunteers for Children Act, and the extent to which states provide access to nationwide criminal history background checks to organizations that serve children and other vulnerable populations.

Based on the findings of this study and other studies, the CJIS Division will prepare a final report that may include recommendations for improving programs for conducting background checks on volunteers who seek to work with organizations that provide care to children, the elderly, or the disabled.

FINDINGS

- A. The state of criminal history checks at the state and local level, including the use of fingerprint collection, at the state and local level, including the available infrastructure for conducting criminal history checks; the state system capacities to conduct such criminal history checks; and the time required for each state to process an individual's fingerprints for a national criminal history background check through the FBI, from the time of fingerprint collection to the submission to the FBI.

Traditionally, states have played an integral and important role in the performance of criminal history record checks for both criminal justice and noncriminal justice purposes. Currently, all states and the District of Columbia participate in the electronic exchange of criminal history record information through the Interstate Identification Index (III) and thirteen states¹ participate in the National Fingerprint File (NFF) program. These programs were created to enhance the role of the states in the exchange of criminal history record information. Each state that participates in III or NFF is responsible for ensuring the accuracy and completeness of its criminal history records, ensuring the security of the record information and the criminal records system, and conducting training on the use and dissemination of criminal history record information.

The role of the states was further strengthened with the passage of the National Crime Prevention and Privacy Compact² (Compact) in 1998. The purpose of the Compact is to authorize and require party states and the FBI to make all unsealed criminal history records available in response to authorized noncriminal justice requests, and to ensure consistency with state policies and procedures. As of October 31, 2009, twenty-eight states³ have

¹ The thirteen NFF states are Colorado, Florida, Georgia, Hawaii, Idaho, Kansas, Montana, New Jersey, North Carolina, Oklahoma, Oregon, Tennessee, and Wyoming.

² Pub. L. 105-251, 42 U.S.C. 14616.

³ The twenty-eight Compact states are Alaska, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, West Virginia, and Wyoming.

ratified the Compact and twelve territories and states⁴ have signed a Memorandum of Understanding agreeing to abide by the policies and procedures delineated by the Compact.

Within this framework, all states have established policies, practices, and standards for performing state and national criminal history record checks for noncriminal justice purposes. In FY 2009, the CJIS Division received over 9.3 million civil fingerprint submissions from the 50 states and the District of Columbia.

States may submit civil fingerprints to the CJIS Division either electronically or by mail. In FY 2009, 91 percent of all nonfederal civil fingerprints submissions were sent electronically compared to 73 percent in FY 2003. An analysis of the fingerprints submitted in FY 2009 revealed the following:

- All fifty states submit at least a portion of their civil fingerprint submissions to the FBI electronically as compared to thirty-five states in FY 2003.
- Forty states submit at least 90 percent of its civil fingerprint submissions to the FBI electronically as compared to twenty-seven states in FY 2006.

Each state's capacity to perform criminal history record checks depends upon the availability of system capacity and human resources. System capacity refers to the technical resources, e.g. hardware, software, required to process the fingerprints in the required time frame. Human resources include the number of people it takes to perform the tasks related to the criminal history background check process, e.g. fingerprint identification.

To determine the current capacity of each state to process fingerprints, the FBI's CJIS Division examined the number of civil fingerprints submitted by each state and the District of Columbia in FY 2009.

- Nine states submitted 25,000 or fewer civil fingerprints.

⁴ The twelve MOU states and territories are American Samoa, Guam, Illinois, Kentucky, Mississippi, Nebraska, New Mexico, North Dakota, Puerto Rico, South Dakota, Vermont, and Virginia.

- Twenty-one states submitted between 25,000 and 100,000 civil fingerprints.
- Ten states submitted between 100,000 and 250,000 civil fingerprints.
- Six states submitted between 250,000 and 500,000 civil fingerprints.
- Four states and the District of Columbia submitted over 500,000 civil fingerprints.

The amount of time it takes a state to process a fingerprint-based criminal history record check varies widely, depending on the type of submission. In general, the average processing time for a live-scan submission is one day. The average processing time for a manual mail-in submission is five days. The average processing time for a card-scan submission is ten days⁵.

- B. The likelihood that each state would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

The likelihood that each state would participate in a nationwide system of criminal history checks to provide information regarding participants receiving assistance under the national service laws depends on the existence or absence of the following factors:

- The state is authorized to perform such checks by state or federal law.
- The policies and procedures for performing the national criminal history record checks are consistent with the state's policies and procedures for performing state criminal history record checks.
- The states are authorized to establish and collect a fee for performing the state criminal history background checks.

⁵ The Attorney General's Report On Criminal History Background Checks, U.S. Department of Justice, June 2006

- The state has ample staff to perform criminal history record check functions or the authority to designate a governmental or a non-governmental agency to perform such functions.
- The state has the ability to perform fitness determinations or the authority to designate a governmental or nongovernmental agency to perform fitness determinations.
- The state has the technical infrastructure in place to efficiently and effectively collect and process the fingerprints.
- The projected volume of fingerprint submissions is within the state's capacity.

In general, a state is more likely to participate in a nationwide system for performing criminal history record checks if the system is consistent with the state's existing policies and procedures for performing state and national criminal history record checks; the state has the infrastructure and sufficient capacity to process the fingerprints, and the state is authorized to establish and collect a fee for performing the background checks.

If participation in the nationwide system is not consistent with existing state statutes, policies, or procedures; or it requires the state to invest considerable resources to either establish or enhance its infrastructure and capacity to collect and process the checks; and/or the state is unable to collect a fee for performing the background checks, then it is less likely that a state will participate in the system.

- C. The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

On August 24, 2007, the Corporation published a final rule⁶ to require its grantees to conduct criminal history checks on Senior Companions⁷ and Foster Grandparents⁸ participants, as well as on AmeriCorps State and

⁶ 72 Fed. Reg. 48574 (Aug. 24, 2007)

⁷ The Senior Companions program brings together volunteers age 55 and over with adults in their community who have difficulty with the simple tasks of day-to-day living.

⁸ The Foster Grandparents program connects volunteers age 55 and over with children and young people with exceptional needs.

National⁹ participants and grant-funded staff in those programs who on a recurring basis, have access to children, persons age 60 and older, or individuals with disabilities. The final rule establishes that, “Unless the Corporation approves an alternate screening protocol and unless prohibited or otherwise precluded by State law, a covered grantee must, in selecting an individual for participation, conduct and document two searches: (A) A search by name or fingerprints of the State criminal registry for the state in which the program operates and the State in which the applicant resides at the time of the application; and (B) a search of the Department of Justice National Sex Offender Public Registry at <http://www.nsopr.gov>.” A grantee that conducts a fingerprint-based criminal history check through the FBI is deemed to have satisfied the requirement to conduct a criminal history check.

Section 1612 of the Serve America Act, adds Section 189D, which requires each entity selecting individuals to serve in a position in which individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws to, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

A criminal history check shall, except in cases approved for good cause by the Corporation, include:

- A name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006¹⁰; and
- A search of the state criminal registry or repository in the state in which the program is operating and the state in which the individual resides at the time of application; or
- Submitting fingerprints to the FBI for a national criminal history background check.

Section 1612 effectively expands the coverage of the criminal history background check to all eligible individuals hired or enrolled in a program on or after October 1, 2009, regardless of the type of service the individual is

⁹ AmeriCorps State and National programs offer grants that support a broad range of local service programs that engage thousands of Americans in intensive service to meet critical community needs.

¹⁰ Pub. L. 109-248

performing or whether or not the individual has access to vulnerable populations.

The Serve America Act directs the Corporation to develop a plan to increase AmeriCorps positions to 250,000 by FY 2017. The number of approved national service positions authorized by the Serve America Act is:

- 2010 – 88,000
- 2011 – 115,000
- 2012 – 140,000
- 2013 – 170,000
- 2014 – 200,000
- 2015 – 210,000
- 2016 – 235,000
- 2017 – 250,000

However, Section 1612 does not mandate that a national fingerprint-based criminal history check be conducted, but permits the entities to perform such a check in lieu of the name-based search of the National Sex Offender Registry and a search of the state criminal repository, in order to meet the criminal background check requirement. Therefore, it is projected that the actual number of national criminal history record checks conducted will be less than the total number of eligible positions.

Section 1614 further amends Section 189D and includes a provision which would require a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006; a search of the state criminal registry or repository in the state in which the program is operating and the state in which the individual resides at the time of application; and a national fingerprint-based criminal history record check on individuals working with children, the elderly, or individuals with disabilities. This provision goes into effect two years after the date of enactment of the Serve America Act.

The requirement to perform a national fingerprint-based criminal history record check does not apply when the service provided by the individual is episodic in nature or for a one-day period; the cost to the entity is prohibitive; the entity is not authorized, or is unable, under state or federal law, to access the national criminal history background check system, or the

Corporation otherwise provides an exemption for good cause. Therefore, the total number of participants that would require a fingerprint-based national criminal history record check under this section is projected to be less than the total number of eligible positions.

D. The impact of the national service laws on the IAFIS of the FBI in terms of capacity and impact on other users of the system, including the effect on work practices and staffing levels of the FBI.

The impact of the national service laws on IAFIS in terms of capacity and impact on other users is dependent on the following factors:

- The actual volume of fingerprints submitted to the FBI under the authority of the national service laws.
- The type of fingerprints submitted and the method by which the fingerprints are submitted.
- The extent to which the national service laws are consistent with the FBI's policies, procedures, and business practices for performing national criminal history record checks.

In general, based on the projected volume of fingerprints that will be submitted under the national service laws, it is anticipated that the national service laws will have minimal impact on the projected capacity and planned operation of IAFIS. However, if the actual volume of fingerprints submitted to IAFIS exceeds the projected volume, then IAFIS will need to be upgraded to add the capacity to efficiently process the work in a timely manner.

The FBI accepts two types of fingerprint images for noncriminal justice purposes—rolled and flat. The use of live-scan systems to capture flat fingerprints is a fast, high quality, low maintenance alternative to the traditional ink and roll method of capturing fingerprints. However, the processing of flat fingerprints requires more system resources than the processing of rolled fingerprint submissions. Therefore, the FBI closely monitors the volume of flat fingerprints submitted to ensure that adequate system capacity is available to process the fingerprints and to ensure the processing of criminal submissions is not adversely affected. If the majority of fingerprints submitted under the national service laws are flat fingerprints,

then the FBI would need to evaluate the potential impact on the system capacity of the IAFIS.

In addition, the FBI's short-range and long range staffing plans are based on the continuance of existing and planned business practices and services. If the national service laws require the FBI to perform additional services, such as record screening or disposition retrieval, then the laws will have a significant impact on the FBI's current work practices and staffing levels.

- E. The fees charged by the FBI, states, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

The FBI's authority for charging fees is found in Pub. L. 101-515. As of October 1, 2007, the FBI fee for civil fingerprint-based and name-based criminal history record checks varies, depending on the method of submission/receipt, as follow:

- Nonfederal and federal electronic in/electronic out fingerprint-based criminal history record checks - \$17.25
- Nonfederal electronic in/manual out fingerprint-based criminal history record checks - \$26.00
- Nonfederal and federal manual in/manual out fingerprint-based criminal history record checks - \$30.25
- Volunteer fingerprint-based (electronic/manual) criminal history record checks - \$13.25

In 2008, SEARCH conducted a survey of state criminal history information systems that included state fees for performing background checks. The survey revealed that:

- Thirty-three states and Guam offer noncriminal justice fingerprint-based criminal history checks at an average cost of \$27.10 with retention of fingerprints.

- Thirty-seven states offer noncriminal justice fingerprint-based criminal history record checks at an average cost of \$19.69 without retention of fingerprints.
- Twenty-two states offer noncriminal justice fingerprint-based criminal history checks for volunteers at an average price of \$21.91 with retention of fingerprints.
- Thirty-one states offer noncriminal justice fingerprint-based criminal history checks for volunteers at an average price of \$16.23 without retention of fingerprints.

In 2003, the CJIS Division conducted a telephone survey of 406 randomly selected law enforcement agencies (a statistically valid sample based on the total number of law enforcement agencies nationwide) to determine the fee charged for the capture of fingerprints for noncriminal justice purposes. The survey revealed that:

- Two hundred and thirteen (70.5 percent) of the 302 respondents reported that they provide fingerprint services to the public.
- Of the 213 law enforcement agencies that reported they provide fingerprint services, seventy-one (33 percent) of the agencies charge applicants a fee for the capture of fingerprints. Fifty-one (24 percent) charge volunteers a fee for the capture of fingerprints.
- The average fee reported for capturing fingerprints was \$9. The mode fee reported for capturing fingerprints was \$5.

Many states use private vendors to capture fingerprints using live-scan devices and submit the fingerprints to the state central repository electronically. The private vendors typically charge the applicant or the qualified entity a fee to recover the cost of operating the fingerprint capture equipment. The fee ranges from \$10 to \$20 but could be higher depending on the level of service provided by the vendor.

- F. The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other states.

Many states have developed cost-efficient and effective practices for performing the core components of the criminal history record check process. Among the best practices used by the states are:

- The establishment of privately operated fingerprint centers to provide live-scan fingerprint services to applicants and volunteers.
- The use of secure web sites to disseminate criminal history record information to authorized recipients.
- The implementation of security and confidentiality guidelines to protect an individual's privacy.
- The establishment of a timely process for reviewing and challenging the accuracy and completeness of information contained in an individual's criminal history record.
- The retention of fingerprints to facilitate recertifications and to provide "rap back" services.

The use of private vendors to capture and submit fingerprints reduces turnaround time and improves fingerprint quality. Most live-scan software is designed to perform automatic edits to ensure that all of the mandatory data fields have been completed and the data are in the correct format. The software can also determine if a fingerprint image is of sufficient quality for submission.

Once the fingerprints are processed, some states send the response to a secure web site where the applicant or the qualified organization can retrieve the results of the criminal history background check. This process reduces response time and helps to ensure the privacy and confidentiality of the information because states are able to control who can get access to the information as well as control what information is available for review.

Finally, many states have established civil fingerprint retention policies and procedures arising from the requirement to perform criminal history record checks on individuals seeking employment or a license. Retained fingerprints are used to identify a deceased individual; identify a person in custody; or inform an employer when an individual who has undergone a fingerprint-based criminal history record check, as required by law, is subsequently arrested.

The retention of the fingerprints enables the states to establish more efficient programs that eliminate the burden and the costs associated with performing multiple background checks and capturing new fingerprints on the same individual. In most cases, an individual's fingerprints are retained for a specific time frame or until the state repository is notified that the individual is no longer employed or licensed in the state.

Currently, the FBI retains the fingerprints of some government employees, military personnel, applicants for immigration and naturalization, and individuals who have requested that their fingerprints be retained for humanitarian purposes.

G. The extent to which private companies are currently performing criminal history checks and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

As the number of authorized noncriminal justice checks of FBI-maintained criminal history information has grown over the years, many states have turned to the use of private vendors to perform some or all aspects of the criminal history background check process, including enrollment, fingerprint capture, and billing.

Many states allow private vendors to contract with authorized agencies to capture and submit fingerprints electronically using live-scan devices. Some states have established statewide privately operated fingerprint centers to electronically capture and submit fingerprints to the state repository. The use of live-scan devices to capture rolled or flat fingerprints and submit them to the state repository improves fingerprint quality and reduces response times. Private companies that capture and

submit fingerprints, but do not review criminal history record information, are known as "channelers."

The Compact Council published the "Outsourcing of Noncriminal Justice Administrative Functions" Interim Final Rule (IFR) on December 16, 2004, with an effective date of December 31, 2004 and the Final Rule on December 15, 2005¹¹. The Outsourcing Rule permits private contractors and governmental agencies to access FBI criminal history record information on behalf of an authorized recipient, pursuant to a contractual agreement and a Security and Management Control Outsourcing Standard.

Recognizing the inefficiencies involved in sending fingerprint submissions to the FBI by mail or electronically by entities not authorized to receive the results of criminal history record checks, the Compact Council promulgated the Final Rule whereby the FBI may provide criminal history record information to private contractors for the administration of noncriminal justice functions.

The FBI selected 19 private contractors to serve as channelers for noncriminal justice applicant fingerprint submissions. Currently, fifteen FBI-approved contractors serve as channelers. Twelve of the contractors capture and submit fingerprints for federally-insured banking institutions, public housing authorities, and/or the Transportation Security Administration. One of the contractors captures and submits fingerprints for the Pennsylvania Departments of Welfare and Education and Pennsylvania Banking Institutions. For the period beginning on November 11, 2007 and ending on August 31, 2009, the contractors submitted a total of 482,319 fingerprints to the FBI. The following is a breakdown of the percentage of the total number of submissions from May 2008 through June 2009 by category:

- | | |
|--|-----|
| • Child Care/School Employee | 27% |
| • Licensing - Section 1012 – Hazardous Materials | 24% |
| • Adam Walsh Act - Section 153(b)(2) | 23% |
| • Other Employment and Licensing | 10% |
| • Adam Walsh Act - Section 153(b)(1)(A) | 6% |
| • Public Housing | 1% |

¹¹ See "Outsourcing of Noncriminal Justice Administrative Functions," National Crime Prevention and Privacy Compact Council, 70 Fed. Reg. 74200 (Dec. 15, 2005)

- Rejected 9%

The Compact Council's Outsourcing Rule also provides for the performance of noncriminal justice administrative functions other than "channeling." The Council's Security and Management Control Outsourcing Standard (Outsourcing Standard) was published December 15, 2005.¹² Section 1.13 of the Outsourcing Standard defines noncriminal justice administrative functions as the routine noncriminal justice administrative functions relating to the processing of criminal history record information, to include but not limited to the following:

- Making fitness determinations/recommendations.
- Obtaining missing dispositions.
- Disseminating criminal history record information as authorized by federal statute, Federal Executive Order, state statute approved by the U.S. Attorney General.
- Other authorized activities relating to the general handling, use, and storage of criminal history record information.

As of September 30, 2009, the FBI Compact Officer has approved 24 requests from 13 organizations to outsource the performance of noncriminal justice administrative functions other than "channeling" by a private company. The 13 organizations include 3 state repositories, 2 federal agencies, and 8 financial institutions. The noncriminal justice administrative functions outsourced to a private entity include making fitness recommendations, disseminating criminal history record information, and/or storing and disposing of criminal history record information.

H. The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

The cost to develop and operate a nationwide fingerprint-based system depends on the following factors:

¹² 70 Fed. Reg. 74373

- The extent to which the system uses the existing state and federal infrastructure to capture and transmit fingerprints.
- The extent to which the system is consistent with existing policies, procedures, and business practices for performing state and national criminal history record checks.
- The extent to which the FBI can charge a fee to recover the cost of developing, maintaining, and operating the system.

In general, if the system leverages the existing state and federal infrastructure and is consistent with the current business practices for performing state and national fingerprint-based criminal history record checks, then the costs to develop and operate the system would fall within the current planned budget and fee structure.

If the FBI is required to develop new technology or institute new business practices, then the cost to develop and operate the system could significantly exceed the FBI's current planned budget and fee structure.

- I. The extent of state participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

The NCPA¹³, as amended by the VCA¹⁴ urges states to enact legislation pursuant to Pub. L. 92-544 to provide for background checks for certain individuals who will be working with, or providing care to, vulnerable segments of the population. The NCPA/VCA encourages states to have in effect national background check procedures that require "qualified entities" designated by the state to contact an "authorized state agency" to request a nationwide background check on an applicant for the purpose of determining whether a "provider" is fit to care for the safety and well-being of children, the elderly, or individuals with disabilities.

Some states use the NCPA/VCA to submit fingerprint-based background checks in the absence of a Pub. L. 92-544 state statute. Other states use the NCPA/VCA to supplement existing Pub. L. 92-544 approved

¹³ Pub. L. 103-209

¹⁴ Pub. L. 105-251

state statutes. For example, a state may use a Pub. L. 92-544 approved state statute to conduct criminal history record checks on school teachers and use the NCPA/VCA as the authority to background school support personnel.

A review of the Pub. L. 92-544 state statutes that have been approved by the CJIS Division revealed that:

- Forty-nine states, the District of Columbia, and the Northern Mariana Islands have enacted statutes authorizing national fingerprint-based criminal history background checks on one or more categories of employees, licensees, or volunteers who work for organizations that provide care to children.
 - Forty-two states have enacted statutes authorizing national fingerprint-based checks on individuals who work with, or provide care to, the elderly.
 - Thirty-one states have enacted statutes authorizing national fingerprint-based checks on individuals who work with, or provide care to, the individuals with disabilities.
- J. The extent to which States provide access to nationwide criminal history record checks to organizations that serve children.

The extent to which states provide access to nationwide criminal history record checks to organizations that serve children varies in scope and coverage from state to state.

Forty-nine states, the District of Columbia, and the Northern Mariana Islands have enacted statutes authorizing national fingerprint-based criminal history background checks on one or more categories of employees, licensees, or volunteers who work for organizations that provide care to children. These statutes cover positions such as child care employees and volunteers, school district employees and volunteers, school bus drivers, public and private school teachers, government employees and contractors who have direct access to children, foster parents, adoptive parents, as well as employees and volunteers that work for nonprofit organizations that provide care to children.

Many states also participate in federal programs that authorize access to nationwide criminal history record checks. Thirty-one states participate in the NCPA/VCA program which authorizes qualified entities to request national fingerprint-based criminal history record checks on individuals that work with children, the elderly, and individuals with disabilities.

In addition, sixteen states and the District of Columbia are submitting fingerprints to the FBI under the authority of the Adam Walsh Child Protection and Safety Act of 2006 which authorizes child welfare agencies to conduct criminal history record checks on prospective foster or adoptive parents and also authorizes public or private elementary or secondary schools or local or state educational agencies to conduct checks on current or prospective employees or individuals in positions that work with or around children in the school or agency.

- K. The extent to which states permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the federal level.

The FBI has established a procedure pursuant to 28 C.F.R. 16.33 et seq. by which a record subject can obtain a copy of his criminal history record and challenge the accuracy and completeness of the information contained in the record. The states must have similar procedures in place pursuant to 28 C.F.R. 20.21(g). Consistent with such regulatory obligations, a state may have either formal or informal procedures by which appeals concerning state records can be made. In addition, most states entitle each individual who is the subject of a criminal history record check to obtain a copy of their criminal history record report and to challenge the accuracy and completeness of the criminal history record information on the report.

The specific procedures for appealing an adverse determination should be established by the agency making the suitability determination. The reviewing agency should provide the applicant with the reason for the determination and copy of the procedures for appealing the determination, in writing, at the time of the determination.

- L. Any privacy concerns that may arise from nationwide criminal background checks for participants.

The private sector and nongovernmental agencies have received greater access to state and federal criminal history records. Policymakers must balance the benefits of screening individuals that work with vulnerable citizens with the individual's right to privacy. The dissemination of an individual's criminal history record information raises concerns regarding the misuse of an individual's personally identifiable information, the authorized use or dissemination of an individual's criminal history record information, or the dissemination of inaccurate or incomplete criminal history information. Because criminal history record check procedures require applicants to disclose personally identifiable information, such as full name, date of birth, and social security number, entities need to be aware of the potential for identity theft.

To minimize the risks associated with the dissemination of an individual's criminal history record information, all states have adopted security and confidentiality policies and practices for the collection, maintenance, use, and disclosure of criminal history record information. These policies and practices include the enactment of legislation governing the access to and dissemination of criminal history record information; requiring qualified entities to sign privacy and security agreements; implementing guidelines on record retention and dissemination; and performing security audits.

Closely related to privacy requirements are state and federal laws that prohibit the discrimination in employment such as Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC) oversees and coordinates all federal equal employment opportunity regulations, practices, and policies. The EEOC suggests that prospective employers should weigh the following factors when considering an applicant for employment:

- The nature and gravity of the offense.
- The time that has passed since the conviction or completion of the sentence.
- The nature of the position sought.

Many states have also passed equal employment opportunity laws aimed at regulating the use of criminal history record information by employers. Some states have statutes that prohibit discrimination of individuals with criminal records.

The FBI has established a procedure whereby an individual can obtain a copy of his/her criminal history record to review for accuracy and completeness. Further, 28 C.F.R. 50.12 requires officials making employment and licensing determinations to provide the applicant the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The regulation provides that officials making such determinations should not deny the license or employment based upon information in the record until the applicant has been afforded a reasonable time to correct or complete the record.

M. Any other information determined relevant by the Attorney General.

In April 2003, the President signed into law the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act. The act directed the U.S. Attorney General to establish a pilot program for volunteer groups to obtain national and state fingerprint-based criminal history record checks. The purpose of the pilot program is to evaluate the feasibility of establishing a nationwide program for performing fingerprint-based criminal history record checks on individuals that work with children. The pilot program began on July 29, 2003, and is scheduled to continue until January 30, 2010¹⁵.

Any volunteer organization that is a member of the National Mentoring Partnership, the Boys & Girls Clubs of America, the National Council of Youth Sports, or is a nonprofit organization that provides care to children may participate in the PROTECT Act pilot program. Eligibility for participation in the pilot program is determined by the National Center for Missing and Exploited Children (NCMEC), with the concurrence or rejection of the Attorney General. In addition to the organizations identified the above, the following organizations have been approved to participate in the pilot program:

¹⁵ Pub. L. 110-408 "Criminal History Background Checks Extension Act of 2008" extended the pilot program to 78 months.

- National Alliance for Youth Sports
- Palouse-Clearwater Environmental Institute
- American Camp Association
- National Crime Prevention Council
- Association of Missing and Exploited Children Organizations
- NCMEC (community outreach volunteers)
- Suffolk Humane Society, Humane Education Program

Participating agencies are required to send their fingerprint cards to the NCMEC which scans the fingerprints and submits them to the FBI electronically. The FBI sends the results of the criminal history record check to the NCMEC which makes the determination whether the information contained in the criminal history record renders the volunteer unfit to provide care to children. The NCMEC and the volunteer organizations agreed that any individual who has been convicted for any of following offenses will be considered unfit to provide care to children:

- All felonies.
- Any lesser crime for which sexual relations is an element (including pornography).
- Any lesser crime involving cruelty to animals.
- Any lesser crime involving controlled substances (including Driving Under the Influence which may involve drugs).
- Any lesser crime involving force or threat of force against a person.

As of October 30, 2009, the NCMEC processed 77,213 criminal history background checks. As a result, it was determined that 3,298 individuals may not meet the criteria to volunteer with children, and 1,409 individuals did not meet the criteria to volunteer with children. The crimes committed by the individuals who did not meet the criteria to volunteer with children include attempted murder, rape, sexual assault, sexual contact with a child, and assault with a deadly weapon.

The PROTECT Act entitles each volunteer who is subject to a criminal history background check under the pilot program to contact the U.S. Attorney General to (1) obtain a copy of their criminal history record report; and (2) challenge the accuracy and completeness of the criminal history record information in the report.

Each volunteer that is subject to a background check may request the release of their criminal history record by completing a release form and submitting the form to the CJIS Division. The volunteer must include the following information on the release form: name and date of birth of the volunteer, name of the national organization, name of the local organization, Originating Agency Identifier; and the IAFIS transaction control number. A notary public must witness the completion of the release form and sign it for verification.

The volunteer may request the FBI to send a copy of his criminal history record to him or to the local volunteer organization. If the criminal history record is disseminated to the local volunteer organization, then the local volunteer organization may provide the volunteer with a copy of his record. As of November 21, 2009 the FBI received 1,489 requests for criminal history record information.

Based on the results of the PROTECT Act pilot program, the FBI will submit a final report to Congress that may include recommendations for improving programs for conducting criminal history record checks on individuals that provide care to children, the elderly, or individuals with disabilities.

CONCLUSIONS AND RECOMMENDATIONS

This report examined: (1) the current state of civil fingerprint processing at the local, state, and federal level; and (2) the feasibility of performing fingerprint-based criminal history background checks on individuals that participate in national service programs.

Based on the findings of this report, the FBI concludes that it is feasible to perform fingerprint-based criminal history record checks on individuals that participate in national service programs. Many states have established effective programs for supporting fingerprint-based criminal history record checks for noncriminal justice purposes, such as employment and licensing. The majority of state and national criminal history record checks are authorized by state statutes and are conducted in conformance with the state policies, practices, and procedures.

In the absence of state statutes, many states use federal laws, such as the NCPA, as amended by the VCA and the Adam Walsh Child Protection and Safety Act of 2006, to perform state and national criminal history record checks on individuals who work with children, the elderly, or individuals with disabilities.

The FBI acknowledges that the state repository is the most complete and accurate source of criminal history record information within the state. Furthermore, since states maintain records that are not available at the national level, e.g. sex offender records that do not qualify for entry into the National Sex Offender Registry file and arrests and dispositions not reported to the FBI, they have more information to identify individuals who may be unsuitable to work in a particular job.

Therefore, it is recommended that any system for performing fingerprint-based criminal history record checks on individuals that participate in national service programs encourage the submission of fingerprints through the state repository, and that a state criminal history record check be performed, to the extent possible, prior to the request for a national criminal history record check.

In order to encourage as many states as possible to participate, it is recommended the system include the following provisions:

- The states should be able to perform state and national criminal history record checks in accordance with their existing policies, practices, and standards.
- The states should be authorized to designate a governmental or nongovernmental entity to conduct fitness determinations.
- The states should be authorized to establish and collect fees to recover the full costs, including direct and indirect costs, of processing background checks.

It is recommended that the system leverage existing state and federal infrastructures and be operated consistent with the current business practices for performing state and national fingerprint-based criminal history record checks.

Appendix A: Child-Care Related Statutes, by State

State	State Statute	Category of Positions Addressed
Alabama	Act No 85-537; Act No. 2000-775; or AIC § 38-13--) and 4	Applicants for adoption or foster parents
	AIC § 22-50-90	Direct care providers (includes employees and contract employees) who provide care to Alabama Department of Mental Health clients and patients
	Act No. 99-361	Educational personnel or teacher certification
Alaska	AkS § 12.62.160(e)	Employment involving supervisory or disciplinary power over minors. This statute includes employees of school districts, day care centers, camp counselors, scout or club leaders, babysitters, etc.
	AkS § 28.15.046	School bus driver permits when read with AkS § 12.62.400
	AkS § 47.35	Agencies or individuals licensed as a child care, child placement or child treatment facility, foster homes; maternity homes; or persons age 16 or older having contact with individuals served by these facilities.
	AkS §§ 47.33.100 and 47.33.550	Employees and administrators of assisted living homes
	AkS § 08.68.100	License to practice nursing or the certification of a nurse aide- when read with AkS § 12.62.400
	AkS § 47.05.310	Department of Health and Social Services applicants for a license, license renewal, certification, or certification renewal
	AkS § 12.62.400	Teachers - when read with AkS 12.62.400 A. Teacher certificates (AkS 14.20.020) B. Subject matter expert limited teacher certificate (AkS 14.20.022)
Arizona	ARS 41-1750	Statute permits local non law enforcement governmental agencies to require fingerprinting by rule, regulation, or ordinance applicable to employment and licensing purposes. Although the statute represents a broad delegation of rule making power to local agencies, challenges claiming over delegation appear to be without foundation, particularly in view of the requirement in the statute that the local non law enforcement agencies channel their exchange requests through a central state dissemination unit.
	AzRS § 41-1750, § 28-3228	School bus drivers
	AzRS § 15-512	Applicants for employment/licensing volunteer with public school districts
	AzRS § 8-105 and § 41-1750	Pre-adoption certification
	AzRs § 41-1750 G.13	Prospective custodians/guardians of juveniles
	AzRS § 41-1750; EO 88-6	Applicants for employment and applicants for licensing as contract providers with the Arizona Health Care Cost Containment System
	AzRS §§ 36-411, 41-1758.01, and 41-1758.02	Arizona Department of Public Safety licensing/certifying employees and owners of residential/nursing care institutions, or home health agencies or contracted persons who provide direct care, home health care or supportive services
	AzRS § 14-5206 and § 14-5308	Court-appointed guardians, including volunteer guardians, of minors and court-appointed investigators or prospective guardians/conservators
	AzRS § 15-183	Charter school non-certified personnel/volunteers/operators
	AzRS § 32-1606	Licensing/certifying professional nurses, practical nurses and nursing assistants
AzRS §§ 41-1758.01 and 41-1758.02	Applicant for Fingerprint Clearance Card	

State	State Statute	Category of Positions Addressed
	AzRS § 46-141 I	Department of Economic Security employees, volunteers, or contractors having contact with juveniles or vulnerable adults
	AzRS § 36-594.02	Adult developmental home or child developmental foster home license
	AzRS § 8-514.03	Kinship foster care
	AzRS § 15-1649	Public university employees
	AzRS § 750 § 15-1330	Employees of Arizona State School of the Deaf and Blind
Arkansas	ArCA § 20-78-602	Child care facility owners, operators, and employees
	ArCA § 9-9-212(b)	Adoptive parent applicants and household members 16 and older.
	ArCA § 6-17-410 ArCA § 6-17-411	Board of Education A. Teachers - Initial Applicants and First License Renewal B. Certified Personnel
	ArCA § 21-15-102	State employment involving direct contact with children, mentally ill, and developmentally disabled persons.
	ArCA § 6-17-414	Non-licensed staff positions in local school districts and education service cooperatives
	ArCA § 6-22-105	Registered volunteers in public schools
	ArCA 9-28-409	Applicants for employment with child welfare agencies A. Employees having direct and unsupervised contact with children B. Volunteers having direct and unsupervised contact with children C. Foster parents and foster home household members 16 and older. D. Others having direct and unsupervised contact with children E. Members of the Agency's Board of Directors having direct an unsupervised contact with children.
	ArCA 12-12-1607	Volunteers working with children, elderly, victims of domestic abuse, or persons with disabilities.
	ArCA § 17-87-312	First time applicants for nursing license
	ArCA § 20-48-802	Service providers for direct care services of developmentally disabled persons
ArCA 6-51-605	Private career school partners or shareholders applying to State Board of Private Career Education for original or renewal of school licensing.	
California	CEC § 13588	Employees of school district (includes volunteers)
	CEC § 24306	Academic or non-academic employees of California State Colleges
	CAC § 400.10	Department of Motor Vehicles A. Driving school owners and instructors
	CW&IC § 16018 and CH&SC § 1522	Child Care and Home Finding Agencies & Foster Homes Adult Care Homes & Facilities (includes volunteers) A. Small Family Home Children B. Small Family Home Adults C. Large Family Home Children D. Large Family Home Adults E. Family Day Home Children F. Community Care Facilities G. Social Rehab Center H. Foster Family Home I. Home Finding Agency J. Public Adoption Proceedings (§ 226.55)
	CPRC § 4982	Trainees in youth conservation training programs
	CEC § 13173, 13174(1), 44340	Teacher certificates
	CPC § 11105.3	Employees or volunteers whose positions involve supervisory or disciplinary power over minors

State	State Statute	Category of Positions Addressed
	CH&SC § 1522	California State Department of Social Services issuing licenses, permits, or certificates of approval for persons to operate or provide direct care services as: A. Community Care Facilities B. Foster Family Home C. Family homes of licensed foster family agencies
	CEC § 44237	Employees of private schools (includes volunteers)
	CHSC § 1265.5	Intermediate care facility or developmentally disabled rehabilitative facility operators, managers or direct care staff
	§§ 1597.81 and 1597.82 of California Assembly Bill No. 3961	Child care providers
	CVC §§ 12517.3 and 12517.4	School bus, school pupil activity bus, youth bus, general public paratransit vehicle, or farm labor vehicle drivers
	CW&IC § 4689.2	Prospective family home agency employees, family home providers, consultants, and volunteers
	CPC § 2342	Private professional conservators or private professional guardians
	CB&PC §§ 4980.40, 4996, 4996.2, 17820, 4980, 4980.30, 4987.6, 4987.9, 4996.18, 4980.44	Board of Behavioral Sciences 1. Licensed educational psychologist 2. Licensed clinical social workers/corporations 3. Licenses marriage, family, and child counselors 4. Marriage, family, and child counselors corporations 5. Registered associate clinical workers 6. Registered interns
	CB&PC § 7583.45	School security guard
	CEC § 33192	School employees A. Private school employees 1. School and classroom janitorial 2. Schoolsite administrative 3. Schoolsite grounds and landscape maintenance 4. Pupil transportation 5. Schoolsite food -related
	CEC § 45125(b)(3)	B. Substitute and temporary employees/persons employed in positions not requiring certification qualifications
	CEC § 45125.1	C. School district employees 1. School and classroom janitorial 2. Schoolsite administrative 3. Schoolsite grounds and landscape maintenance 4. Pupil transportation 5. Schoolsite food -related
	CEC § 33193	D. Private schools Entity contracting for construction, reconstruction, rehabilitation or repair of a school facility where employees have contact with pupils
	CEC § 45125.2	E. School district Entity contracting for construction, reconstruction, rehabilitation or repair of a school facility where employees have contact with pupils
	CVC § 12523.6	Certification of drivers who transport persons with disabilities and have not resided in the state of California for the past seven consecutive years
	CW&IC § 309; CW&IC § 361.4	Foster care placement including: A. Relative or non-relative extended family member for temporary placement B. Relative or prospective guardian who is not a licensed or certified foster parent
	CPC § 11105.04	Court Appointed Special Advocate (CASA) employee and volunteer candidates.
	CPC § 11105.3	Applicants for license, employment or volunteer position with a human resource agency or employer who would have supervisory or disciplinary power over a minor or any person under his/her care.
	CPC 11105 § (b)(11)	Delegates authority to obtain national background checks on applicants for employment, certification, or licensing with a locality to a locality based on specific authority by city council, board or supervisors or governing board of a city, county, or district

State	State Statute	Category of Positions Addressed
	CW&IC § 16504.5	Parents or legal guardians to determine suitability for reunification with dependent child subject to the jurisdiction of juvenile court.
	CB&PC § 22442.4	Immigration consultants
	CH&SC § 1522.06	Volunteer candidates for mentoring children in foster care.
	CFC § 8632.5	Adoption facilitators
	CB&PC § 18641	State Athletic Commission 8. Referees
	CB&PC §§ 2903, 2913, 2914	Board of Psychology 1. Psychologist 2. Registered psychologist 3. Psychological assistants
	CB&PS §§ 2725, 2732, 2732.1, 2736, 2737, 2818, 2835, 2836, 2829, 2830, 2746.5, 2746.51, 2811.5	Board of Registered Nursing 1. Registered nurses 2. Public health nurses 3. Psychiatric mental health nurses 4. Nurse practitioners 5. Nurse practitioners with furnishing number 6. Nurse anesthetists 7. Nurse midwife 8. Nurse midwife with furnishing number 9. Continuing education providers
	CB&PC §§ 2630, 2655.3	Physical therapy board 1. Physical therapists 2. Physical therapy assistants
	CB&PC §§ 2532, 2532.2, 2530.6	Speech-language Pathology and Audiology Board 1. Audiologists 2. Speech-language pathologists 3. Speech-language pathology aides
	CB&PC § 144	California Board of Occupational Therapy
	CW&OC § 5405	Psychiatric health facility, mental health rehabilitation center A. Employee B. License C. Direct care staff D. Direct services contractor
	CW&IC § 16419.5	Child centered resource family approval process.
Colorado	CoRS § 26-6-107	Child care licensing - applicants, owners, employees, new hires, licensees, and any adult 18 years of age and older residing in the licensed facility.
	CoRS § 19-2-411	Correctional facilities A. Juvenile
	CoRS §§ 22-32-109.8 and 9 and 22-60.5-103; CoRS § 22-60-105.2	Licensed and un-licensed school district employment
	CoRS § 27-1-110	State Department personnel (employees or contract employees) who have direct contact with vulnerable persons
	CoRS § 24-72-305.3	Volunteers and employees of charitable organizations
	CoRS § 22-1-121	Non public school employment
	CoRS § 26-6-102	Employees of guest child care facilities
	CoRS § 26-6-104	County department employees or applicants who will have direct access to a child being placed or already placed in foster care
	CoRS § 12-59-105.7	Private Occupational School Employment
	CoRS § 19-5-207	Prospective adoptive parents, and adults residing in the home
	CoRS § 19-3-406	Emergency placement of children.

State	State Statute	Category of Positions Addressed
	CoRS §§ 26-6-103.3 & 26-6-107	Substitute child care providers
	CoRS §§ 25-27.5-106	Home care agency owners, applicants, or licensees
	CoRS § 22-30.5-110.7 & CoRS § 20-30.5-511.5	Charter school applicants and institute charter school applicants
	CoRS § 26-2-120	Exempt family childcare home providers or qualified adult residing in Colorado less than two years.
Connecticut	CtGSA § 14-44	Applicants for endorsement to transport passengers including passengers who are students.
	CtGSA § 17a-151	Care and treatment of children, including adoption or foster parents includes emergency placement of children.
	CtGSA § 0-221d	Public and private school applicants and employees
	CtGSA § 19a-80(c)	Department of Public Health:
	CtGSA § 91a-87b(b)	A. Prospective employee of a child day care center or group day care home
	CtGSA § 17b-749K	B. Applicant or prospective employee of a family day care home
	CtGSA § 17b-750	Non-relative child care provider in child's home who receives a subsidy from Department of Social Services
Delaware	21 DeCA § 2708	Unlicensed child care provider receiving a subsidy from the Department of Social Services
	31 DeCA § 309	School bus driver applicant (includes volunteers)
	11 DeCA § 8571	Child care personnel, foster and adoptive parents (includes volunteers and emergency placement of children).
	16 DeCA § 1145	Public school employment (includes volunteers)
	10 DeCA § 925 (20)	Home healthcare employees A. Prospective employees B. Current employee seeking promotion C. Individuals seeking employment on private agencies D. Persons referred by temporary agencies
	11 DeCA § 8561	Family court for welfare of minor child or safety of a party, resident of party's household or other person with direct access to the child
	11 DeCA § 8561	Employment with child care provider (includes volunteers)
District of Columbia	DCMR § 5-1001.8	DC public school prospective employees & promotees
	DCC § 4-1305	Adoptive parents, foster parents, legal guardians, kinship caregivers, individuals with whom a child is placed by court order, and adults residing in these homes
	29 DCMR § 6027	Temporary license to operate a foster home to certain kin for emergency placement
		Child and Youth Safety Act
Florida	FIS §§ 39.001, 402, 409, and 435.04	Child care facility, family day care home, family foster home, residential child care agency, child placement agency, and summer or recreation camp owners and operators
	FIS §§ 39.001, 394 and 435.04	Mental health facilities and programs providing care for children including directors, professional clinicians, staff members, and volunteers
	FIS §§ 39.001, 393 and 435.04	Day care or residential facility caretakers providing treatment to retarded or developmentally disabled individuals (children or adults)
	FIS §§ 39.001, 397 and 435.04	Treatment resource personnel including program directors, staff volunteers, and foster parents providing alcohol/drug abuse treatment for minors
	FIS §§ 984, 985 and 435.04	Department of Juvenile Justice employees or contract providers in delinquency facilities, services, or programs.
	FIS §§ 39.0138 and 435.04	Any person being considered for placement of dependent children
	FIS § 1002.55	Pre-kindergarten instructors employed by public schools or private providers for both school-year and summer programs.
	FIS §§ 1012.32, 1012.35, 1012.465 and 1012.35	School system employment certified, non-certified, non-instructional employees, contractors, and student teachers

State	State Statute	Category of Positions Addressed
	FIS § 285.18 [3]	Miccosukee Tribe of Indian and Seminole Tribe of Florida Police Departments A. Tribal education, Head Start, or day care programs
	FIS §§ 408.802 and 408.809	Agency for Health Care Administration W. Prescribed pediatric extended care centers Y. Intermediate care facilities for persons with developmental disabilities
	FIS §§ 400.215 FS and 435.04 FS	Employee of nursing facilities licensed under Part II
	FIS § 464.009	Florida Board of Nursing- applicant for licensure by endorsement
	FIS 413.011	Division of Blind Services, Florida Department of Education
	FIS § 1002.55	Pre-kindergarten instructors employed by public schools or private providers for both school-year and summer programs
	FIS § 427-012	Commission for the Transportation Disadvantaged, Department of Transportation, candidates for appointment
	FIS § 744.3135	Nonprofessional, professional, or public guardian
	FIS § 220.187	Eligible nonprofit scholarship-funding organization owner, president, officer, or director (through the Department of Education).
Georgia	OGCA § 49-5-69.1	Foster parents or other adult persons residing in homes providing care to children
	OGCA § 31-7-254 and OCGA § 31-7-259	Personal care homes: A. Licensing of directors B. Director or employee abuse investigation
	OGCA §§ 49-5-64	Licensing of directors and employees of child care centers
	OGCA § 49-2-14	Department of Human Resources (DHR) A. Applicants for employment with GA DHR, contractors, district or county health agencies whose duties involve direct care, treatment, or custodial responsibilities of its clients. B. Any adult person residing in a home where children in the custody of GA DHR have been or may be placed, or any adult who resides in the home of or provides care to a child who is the subject of a child protective services referral, complaint, or investigation. Includes placement of children in exigent circumstances.
	OGCA § 20-2-211	School teacher, principal, or other certified professional
	OGCA § 19-8-16	Petitioners for adoption
	OGCA § 35-3-35	Delegates authority to obtain national background checks by the governing authority of any county or municipality on any applicant or licensee in a specified occupation for which such local governing authority has adopted an ordinance or resolution
	OGCA § 43-26-7	Registered professional nurses
	OGCA 20-1A-34	GA Dept of Early Care and Learning - directors, owners, and employees of child care centers, group day care homes, and family day care homes.
	OGCA § 49-2-14.1	DHR Facilities Licensing to include personal care homes, private home care, community living arrangements, and child welfare agencies.

State	State Statute	Category of Positions Addressed
Hawaii	HiRS Chapter 846	<p>Personnel identified in numerous agencies and other entities for permits, licensing, or employment purposes:</p> <ul style="list-style-type: none"> A. Adult foster homes or developmental disabilities domiciliary homes and their employees B. Mental health services to children/adolescents C. Employees, prospective employees, and teacher trainees in any public school D. County recreation or child care employees and prospective employees who may be in positions that place them in close proximity to children E. Liquor license applicants F. Operators and employees of child caring institutions, child placing organizations, and foster boarding homes G. Prospective adoptive parents H. Operators and employees of child care facilities, prospective employees of the applicant, and new employees of the provider after registration or licensure I. Persnns eligible to provide child care and receive child care subsidies J. Operators and employees of home and community-based case management agencies and operators and other adults residing in foster family homes K. Staff members of youth correctional facilities L. Employees and applicants at detention and shelter facilities M. Employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers N. Private detectives or private guard licensure O. Employees and prospective employees of private schools and designated organizations who may be in positions that necessitate close proximity to children P. Employees and prospective employees of the public library whose positions place them in close proximity to children Q. Applicants or employees of the State or any of its branches, political subdivisions, or agencies holding a position that has the same type of contact with children, dependents, adults, or persons committed to a correctional facility as other public employees
Idaho	IdC § 67-3008	<p>Statute permits local government non-law enforcement agencies to require fingerprinting by rule, regulation, or ordinance applicable to employment and licensing purposes.</p>
	IdAPA § 16.05.06	<p>Department of Health and Welfare (DHW)</p> <ul style="list-style-type: none"> A. Adoptive Parent Applicants B. Certified family homes C. Licensed foster care D. Department of Health & Welfare employees and contractors E. Licensed Child Care F. Alcohol or drug abuse prevent & treatment programs serving children. G. Children's residential care facilities H. Children's therapeutic outdoor programs I. Commercial non-emergency transportation providers J. Developmental disabilities agencies K. Emergency medical services L. Home and community based services M. Home health agencies N. Intermediate Care facilities for the mentally retarded O. Mental health clinics P. Personal assistance agencies Q. Personal care service providers R. Psychosocial rehabilitation providers S. Residential care of assisted living facilities T. Semi-independent group residential care facilities for developmentally disabled or mentally ill. U. Service coordinators and paraprofessional providers V. Skilled nursing and intermediate care facilities W. Support brokers and community support workers
	IdC § 33-130 and 130A	<p>School district employees or applicants for certificates and private or parochial school employees or contractors</p>

State	State Statute	Category of Positions Addressed
	IdC § 32-1407, IdC § 32-717E, and IdC § 16-1632	Supreme Court A. Family Court Service Coordinators B. Supervised access providers C. Guardian ad Litem coordinators, staff, and volunteers D. Domestic violence court coordinators
	IdC § 54-1401	Board of Nursing licensees
	IdC §§ 33-5210 and 33-130	Charter school employees
Illinois	IICS Chapter 105 §§ 5/10-21.9 and 5/34-18.5	School district employees and school district contractors who have direct contact with pupils
	IICS Chapter 225 § 10/4.1	Child care license
	IIRS Chapter 625 § 5/6-106.1	School bus driver permit
	IIRS Chapter 310 § 10/25 and IIRS Chapter 67 § 1/2	Public housing tenant eligibility
	IICS 5/12-4.25 (G-5)(2)	Vendors of non-emergency medical transportation services
	IICS Chapter 225 § 65/5-23	Nursing applicants
	IIRS Chapter 40 § 1508[6][A]	Private adoption applicants
Indiana	IICS, Chapter 20, § 1705/4.2	Employees of the Illinois Department of Human Services, Department of Mental Health and Developmental Disabilities in a direct care position
	InC § 10-13-3-38.5	State employees and employees of state contractors; teacher's license
	InC 10-13-3-27.5	Placement of Children - includes emergency placement - each individual currently residing in the location designated as out of home placement.
	InC 31-27-3-3 InC 31-27-4-5 InC 31-27-5-4 31-27-6-2	Licensees, applicants and employees of A. Child caring institutions B. Foster family homes C. Group homes D. Child placing agencies
Iowa	InC § 31-19-7-1 InC § 31-19-8-5	Adoption A. Pre-adoption placement B. Adoption
	IaCA 235D.1	Applicants for employment at a domestic abuse or sexual assault center
Kansas	KSA 75-53, 105	Social and rehabilitation services caregiver
	KSA § 74-1112	Kansas Board of Nursing
	KSA § 65-516	Kansas Department of Health and Environment childcare, family day care
Kentucky	KyRS, Chapter 160	New certified hires of private, parochial, or church schools approved by the Kentucky Board of Education
	KYRS § 314.103	Kentucky Board of Nursing- applicant for licensure by endorsement
	KyRS § 199.462	Foster care or relative care giver services to a child or to receive a child for adoption
	KyRS § 160.380	Public school employees: A. Newly certified hires of school districts B. Student teachers assigned within a school district C. Classified initial hires residing in the state for 12 months D. Contractors, including employees of contractors

State	State Statute	Category of Positions Addressed
Louisiana	LaRS §§ 15:587 and 46:282 LaRS § 15:587	A. Prospective foster/adoptive parent applicant and adult members of the household B. Parents of children who have been removed from their custody C. Parents or caretakers involved in investigations of abuse and neglect D. Potential caretakers of a child who is either in the custody of the department of Social Services or is the subject of an investigation of abuse or neglect. E. Emergency placement of children F. Potential caregiver who is or has been receiving services through the Office of Community Services G. Potential employees of the DSS whose duties include the investigation of child abuse or neglect, the supervisor or disciplinary authority over children, direct care of a child, or performance of licensing surveys
	LaRS § 37:1277	Applicants for a health care practitioner license, permit certification, or registration
	LaRS § 37:920.1	License issued by State Board of Nursing including students in clinical nursing courses
	LaRS § 15:587.2	Post-secondary educators which are members of the following A. Louisiana State University System B. Southern University System C. University of Louisiana System D. Louisiana Community and Technical College System
	LaRS § 37:2372.1	Applicants to the Louisiana State Board of Examiners of Psychologists for issuance or reinstatement of any license, registration, certificate, permit or any other designation deemed necessary to engage or assist in the practice of psychology that the board is authorized by law to issue
	LaRS 46:51.2	Potential owners, operators, employees, and volunteers of a child care or child residential facility licensed by the DSS
	LaRS §§ 15:587.1(A)(2) and 17:15	Public or private elementary or secondary schools as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over children pursuant to Louisiana Child Protection Act
Maine	20-A MeRSA § 6103	Educational personnel
	18 MeRSA § 9-304 sub-§ (a-1)	Prospective adoptive parent requested by probate court
	18 MeRSA § 9-304 sub-§ (a-2)	Applicants to adopt a child in custody of Department of Health and Human Services.
Maryland	Maryland Family Law Article, §§ 5-560 through 5-568	Individuals who care for or supervise children; "volunteer" to be inserted when applicable
	MD Family Law Article § 5-569	Emergency placement of children
	MD Transportation Article § 15-804	Licenses as driving instructors
	MD Article, § 83C 2-132	Department of Juvenile Justice employees
Massachusetts	None	
Michigan	MiCL § 380.1230a	School employees and contractors
	MiCL § 256.604-606	Licensing and license renewal of applicant to operate a driver training school and prospective driving instructors
	MiCL 722.115f	Day care home license
	MiCL § 722.115(511)	Foster family home or foster family group home license and renewal of license.
Minnesota	MnSA § 245A.04	Any applicant, including employees, contractors, or volunteers who work in applicable child care, foster care organizations
	MnSA § 171.321	Licensing of school bus drivers who have resided in Minnesota less than 5 years
	MnSA § 299C.62	Children's service providers and their employees

State	State Statute	Category of Positions Addressed
	MnSA § 122.13, subd. 8	Teachers
	MnSA § 123B.03	All non-state residents working in a school
	MnSA § 525.545	Professional guardians or conservators and employees under guardianship of conservatorship
	MnSA § 518.165	Guardian ad litem
	MnSA § 260C, 209, Subd. 3	Child Placement, includes emergency placement
Mississippi	MsCA § 43-15-6	Employee/applicant/volunteer of child residential facility
	MsCA § 37-9-17	School licensed and non-licensed employment applicants - includes contracted substitute teacher applicants
	MsCA § 43-20-8	Current or prospective child care givers, operator of child care facility
	MsCA § 37-13-89	School attendance officers
	MsCA § 41-4-7	State Department of Mental Health employees and volunteers
	MsCA § 43-11-13	Any person employed by a hospital, nursing home, personal care home, home health agency, or hospice, either directly or as a contractor
	MsCA § 41-19-33	Employees and volunteers of Community Mental Health regional facilities
	MsCA 43-1-4	Department of Human Service employees and volunteers
Missouri	RSMo § 43.543	Applicants for license/employment with state agency which provides care or treatment or exercises supervision over minors
	RSMo §§ 43.540 and 210.482	Care providers with unsupervised access to children, the elderly, or persons with disabilities, includes emergency placement of children
	RSMo 43.540	Care providers with unsupervised access to children, the elderly, or persons with disabilities.
	RSMo 168.133	School employees, school bus drivers
	RSMo 210.025	Individuals who provide care services in their home.
	RSMo 210.481	Foster parent licensing
Montana	Amending MtCA § 41-3-1142(4)	License to operate youth foster home
	MtCA § 37-22-301	Social workers
	MtCA § 37-23-101	Professional counselors
	MtCA § 37-48-108	Montana Department of Labor and Industry, Board of Private Alternative Adolescent Residential or Outdoor Programs license applicants
Nebraska	NeRS § 79-8 and 79-809	Applicants for certificate or permit to teach, counsel, supervise, or administer in elementary or secondary schools
	NeRS § 71-1903	Foster Care Parents
	NeRS § 71-1903	Department of Health and Human Services A. Licensees with the Authority to Prescribe controlled substances B. Applicants for initial or renewed wholesale drug distributor licenses
Nevada	NvRS § 391.033	School teachers

State	State Statute	Category of Positions Addressed
	NvRS § 239B.010 (1)(a)	Applicants for license as required by statute or local ordinance. Statute permits local non law enforcement governmental agencies to require fingerprinting by rule, regulation, or ordinance applicable to employment and licensing purposes. The statute represents a broad delegation of rule making power to local agencies which include childcare facilities, childcare-family care home, home services, daycare personnel, occupations with any contact with children, the elderly.
	NvRS § 631.220	Dentists and Dental Hygienists License
	NvRS § 641C.260 and 530	Board of Examiners for Alcohol, Drug and Gambling Counselors: applicants, renewal, restoration
	NvRS § 641.202	Board of Examiners for Social Workers
	NvRS § 631.220	Dentists and Dental Hygienists License
	NvRS § 641C.260 and 530	Board of Examiners for Alcohol, Drug and Gambling Counselors: applicants, renewal, restoration
	NvRS § 641.202	Board of Examiners for Social Workers
	NvRS § 639.500	Nevada Board of Pharmacy applicants to engage in wholesale distribution
	NvRS § 450B.800	Southern Nevada Health District applicants for permits, licenses or certificates
	NvRS § 426.335	Personal care attendants employed by or under contract with an intermediary service organization
	NvRS § 641.160	Applicants for licenses to practice psychology
	Chapter 462 NvRS § 391.100	Teachers aids, auxiliary nonprofessional personnel, and other school district employees who assist certified personnel in instruction and supervision of children
	NvRS § 432A.175	Licensing and employment of applicants and residents of child-care facilities
	NvRS § 424.033	Foster home licensing and employment of applicants and other adults residing in the foster home
	NvRS § 127.281	Prospective adoptive parents
	NvRS § 179A.210	Employees/volunteers working with children
	NvRS § 394.465	Employees/contractors of post-secondary educational institutions
	NvRS Chapter 424	Residents over 18 years old of foster homes for emergency placement of children
	NvRS Chapter 432B	Residents over 18 years old in a home which child welfare services places a child in an emergency situation
	NvRS Chapter 422.2-4	Kinship Care Applicants
	NvRS Chapter 424	Residents over 18 of Foster Homes for Emergency Placement of Children
	NvRS § 386.588	Applicants for employment with a charter school under the supervision of the Superintendent of Public Instruction
New Hampshire	NH RSA §189-13-a	Applicants and volunteers for employment in any position with a school administrative unit, school district, or charter school
	NH RSA 289:8 (effective 7/01/07)	Child daycare providers
	NH RSA §170-E:29	Foster parents and adults living in the home
	NH RSA §170-B:18	Adoptive parents and adults living in the home.
	NH RSA §41:9-b	Municipal employees or volunteers that work w/children, or elderly, enter the home of citizens, or collect or manage money

State	State Statute	Category of Positions Addressed
	NH RSA §330-C:20	Alcohol and Drug Counselors
	NH RSA §329:11-a	Physician and surgeon applicants
	NH RSA §328-D:3-a	Physician assistant
	NH RSA §326-B:15	Board of Nursing
New Jersey	NJSA § 18A: 39-19.1	Drivers and substitute drivers of school buses
	NJSA 30:4C-26.8, 9:J-47, 48, 54.1, and 54.2, 30:4C-12 and 9:6-1	Foster or adoptive parents or other adults residing in the parent's home; child abuse investigations
	Senate Bill 223; NJSA 18A:6-7.2	Public school employment includes: teacher, substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, bus driver, school law enforcement officer, school secretary or clerical worker, or other position involving regular contact with pupils
	NJSA 15:3A-i	Employees and volunteers of youth-serving organizations
	NJSA § 18A:6-7.2	Public school employees and volunteers
	NJSA 30:4C-27.16 through 25	Applicants for residential child care facilities
	NJSA 18A:6-4.13 or 18A:6-4.14	Nonpublic school employees
	NJSA 52:276-37	Registered Professional Guardian
	NJSA § 30:5B-6.13	Day care employment
	NJSA § 9:3A-14f	Children and Families Employment
	NJSA § 45:1-30	Health Care Professionals as regulated by the appropriate board
New Mexico	NMSA § 32A-15-J	Operators, staff, and employees of child-care facilities including juvenile detention, correction and treatment facilities prospective and licensed foster parents
	NMSA § 32A-5-14.1	Adoption petitioner
	NMSA § 22-10-3.3, or 22-10A-5	Applicants for initial certification as a teacher. Employment as a teacher more than 12 months after certification, and contractors or their employees having unsupervised access to students in public school, charter schools, and regional education cooperation state education institutions

State	State Statute	Category of Positions Addressed
	NMSA §29-17-5	Applicants or care givers (employee, contractor, or volunteer) for care providers with direct care or unsupervised physical or financial access to care recipients.
	NMSA 9-2A-8	Children Youth and Families Department Employees
	NMSA 61-3-13	License as Registered Nurse
	NMSA §61-3-18	License as Practical Nurse
New York	NY Educ. Law § 2590-h(20)	Employees of the New York City school system
	NY Veh. & Traf. Law §§ 509-cc & 509-d; NY Veh. & Traf. Law § 1229-d	School bus employment Drivers Attendants
	NY Exec. Law § 837-m	Applicants for employment and contractors with City of New York in positions providing child day care services
	NY Educ. Law §§ 305[30](a) and 3004-b	Prospective employees of school districts, charter schools, board of cooperative educational services, and teachers and administrators applying for licensure or certification.
	NY Educ. Law 2852(4)	Applicant to establish a charter school
	NY Soc. Serv Law 378-a	Prospective foster or adoptive parents and persons over the age of 18 residing in the home.
	NY Public Health Law, Article 28-E	Nursing home and home health care agency prospective employees
North Carolina	NCGS §§ 110-90.1 through 110-91	Staff of day-care providers and owners/operators of child day-care facilities and child day-care homes; members of a household family child care home or non-licensed child care home who are over 15 years old and are present when children are in care
	NCGS § 115C-332	Criminal records checks of public school employees including independent contractors of local Board of Education
	NCGS § 131D-10.3A	Foster parent applicants and individuals 18 years or older residing in home
	NCGS § 115C-238.29K	Charter school personnel
	NCGS § 48-3-309	Prospective adoptive parents seeking to adopt a minor in the custody or placement responsibility of a county Department of Social Services
	NCGS § 114-19.9	Applicants as volunteers for McGruff House and persons over 18 years old living in applying household.
	NCGS 114-19.6	Backgrounding of the following categories: A. Department of Juvenile Justice and Delinquency Prevention (DJJDP) employees and applicants who provide direct patient care for a client, patient, student, resident or ward. B. DJJDP supervisors or employees providing direct patient care. C. Department of Health and Human Services (DHHS) applicants or current employees. D. DHHS contractors or contractor employees E. DHHS volunteers
	NCGS §§ 114-19.11	Board of Nursing applicants for license as a Registered Nurse or Licensed Practical Nurse
	NCGS §§ 90-30	Dentistry License
	NCGS §§ 90-224	Dental hygiene license
	NCGS § 122C-80(b), or 111D-40(a) and (a1) or 131E-265(a)	Long Term Care
	NCGS § 90-113.46A	Substance Abuse Professionals
	NCGS § 90D-7	Licensed Deaf Interpreter

State	State Statute	Category of Positions Addressed
	NCGS § 90-652	Respiratory Care Board license applicants
	NCGS § 114-19.18	Psychologists
	NCGS § 114-19.25	Nursing Home Administrators
North Dakota	NDCC 15.1-13-14 NDCC 15.1-13-20 NDCC 15.1-13-23	Education Standards and Practices Board A. Initial teacher licenses and reentry licensure when read with NDCC 12-60-24 B. Interim reciprocal teacher licenses when read with NDCC 12-60-24 C. School guidance and counseling service providers when read with NDCC 12-60-24
	NDCC 50-11-06.8 NDCC 50-11.3-01 NDCC 50-12-03.2 NDCC 50-11.1-06.2	Human Services Department A. Foster care licenses when read with NDCC 12-60-24 B. Legal Guardian appointees and any adults residing in the household when read with NDCC 12-60-24 C. Petitioners for adoption and any adults residing in the household when read with NDCC 12-60-24 D. DHS Employee, when read with NDCC 12-60-24 E. Providers and employees licensed by DHS, and Child Placing Agencies, when read with NDCC 12-60-24(NDCC 50-06-01.9 and 50-12-03) F. Early childhood services licensure to include new staff members, and nonlicensed holders of a self-declaration, to include household members, and in-home providers, when read with NDCC 12-60-24 (NDCC 50-06-01.9 and 50-11.1-06.2)
	NDCC § 12-60-24 [2] [x]	Public school employees as designated by the governing board of the public school or nonpublic school employees as designated by the superintendent of public instruction.
	NDCC § 12-60-24 [2] [y]	Public and nonpublic school final applicants for employment or otherwise providing services to the school if that individual has unsupervised contact with students.
	NDCC § 12-60-24 [2] [n]	Department of Health: Final applicants, those under investigation, and other applicants
	NDCC § 12-60-24 [2] [u]	Department of Corrections and Rehabilitation agents, employees, final applicants for employment, and private contractors who exercise direct authority over juveniles, inmates, probationers, or parolees
	NDCC § 12-60-24 [2] [v]	Correctional facility operated by a city, county, or combination of cities or counties: A. Agents, employees, and final applicants for employment who exercise direct authority over any juvenile or inmate B. Agents, employees, and final applicants for employment who exercise direct authority over juveniles, inmates, probationers, or parolees.
	NDCC 43-12.1	Board of Nursing applicants, licensees, registrants, or disciplinary investigations when read with NDCC 12-60-24
	NDCC 43-15-10 NDCC 19-03.1	State Board of Pharmacy A. Applicants or disciplinary investigations when read with NDCC 12-60-24 B. Registrations, revocations or suspension of registrations when read with NDCC 12-60-24
	NDCC § 43.15.3	State Board of Pharmacy for wholesale drug distributor licensing when read with NDCC 12-60-24.
	NDCC § 12-60-24(2) [ff]	State Board of Examiners for nursing home administrators for applicants licensure or licensees.
Northern Mariana Island	3 NMIC § 1181	Employees or applicants for public school certification as teachers and librarians
	3 NMIC § 1181	Applicants for public school non-teaching and non-librarian positions who will have regularly scheduled unsupervised access to children

State	State Statute	Category of Positions Addressed	
Ohio	OhRC § 109.572	Background check regarding children, including the following applicants responsible for the care, custody, or control of a child: A. "Out-of-Home" child care, adoptive parents, and foster care givers B. Head Start agency employment C. Preschool program employment D. Public school district or chartered nonpublic school (includes employment of teachers) E. Home health agency F. Child day care center, Type-A family day care home, and certified Type-B family day care home, and certified in-home aide employment G. Child day care center owner, licensee, or administrator; Type-A family day care homeowner, licensee, administrator, and any person 18 years of age or older who resides in the home H. County Board of Mental Retardation and Developmental Disabilities I. County Public Children Services Board or County Department of Human Services administering child welfare	
	OhRC § 4757.101	Counselor, Social Worker, and Marriage and Family Therapists Board license applicants	
	OhRC § 109.572 173.41 3701.881 3721.121 5126.28 3712.09 3722.151	Background check re: Providing direct care to an older adult. Includes the following applicant's responsible for providing direct care to an older adult: A. Passport agency B. Home Health agency C. Home or Adult Day-Care Program D. County Board of Mental Retardation and Developmental Disabilities E. Hospice Care Program F. Adult Care Facility	
	OhRC § 4723.09	Medical A. Nurses B. Dialysis techs C. Students for above	
	OhRC § 4715.101	State Dental Board License applicants	
	OhRC § 4725.121	State Board of Optometry license applicants	
	OhRC § 4725.501	Ohio Optical Dispensers Board license applicants	
	OhRC § 4729.071	State Board of Pharmacy license applicants	
	OhRC § 4730.101	Physicians Assistant certificate applicants	
	OhRC § 4731.081	State Medical Board certificate applicants to practice medicine and surgery, or osteopathic medicine or surgery	
	OhRC § 4731.296	Telemedicine practitioner certificate applicants	
	OhRC § 4731.531	Podiatric medicine and surgery certificate applicants	
	OhRC § 4732.091	State Board of Psychology license applicants	
	OhRC § 4755.70	Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board license applicants	
	OhRC § 4759.061	Ohio Board of Dietetics license applicants	
	OhRC § 4760.032	Anesthesiologist Assistant certificate of registration applicants	
	OhRC § 4761.051	Ohio Respiratory Care Board license applicants	
	Oklahoma	OhRC § 4779.091	State Board of Orthotics, Prosthetics, and Pedorthics license applicants
		OhRC § 4729.42	Qualified Pharmacy Technician
10 OkSA § 7505-5.3		Applicant adoptive parents and other household member over 18 years old	
10 OkSA § 404.1		Office of Juvenile Affairs applicants and employees when read with 74 OkSA 150.9	

State	State Statute	Category of Positions Addressed
Oregon	OrRS § 181.537	Department of Human Services and the Employment Department A. Agency employment B. Licensing, certifying, registering, regulating, or administering programs, persons, or qualified entities that provide care. C. Mass transit district or transportation district employees under contract to transport medical assistance program clients.
	OrRS 181.539 OrRS 336.631 OrRS 338.115 OrRS 342.125	Teacher Standards and Practices Commission and the Department of Education: A. OrRS 181.539 1. Teacher, administrator, or personnel specialist - initial license, reinstatement of a license, student teacher, practicum or internship 2. Student nurse initial certification 3. School district or private school new hire, employee, or contractor with direct unsupervised contact with children. 4. Community college faculty member providing instruction at a grade K-12 facility during regular school hours. 5. Public charter school employee or initial registration B. Private alternative education programs C. Public charter schools D. Public charter school teacher registry
	OrRS § 181.538	Applicants for employment with a tribal government or agency for the following positions: A. Tribal gaming facility as a key employee, high-security employee, low-security employee, or management employee B. Child care, child welfare, education, health care, housing, or social service
	OrRS 418.016	Foster, adoptive parent, or relative caregiver applicants and all persons over 18 years of age, who will be in the household
	OrRS 657A.030	Child Care Division of the Employment Department A. Applicants for enrollment in the Criminal History Registry B. Renewal of certification or registration C. Child care facility certification D. Family child care home E. Administration oversight
	OrRS 702.017	Athletic agent permit through the Department of Education
	OrRS 390.200	State Parks and Recreation Department employees, applicants, contractors, or volunteers.
	OrRS 420A.021	Oregon Youth Authority employees, applicants, contractors, vendors, or volunteers.
	OrRS 348.563	Oregon Student Assistance Commission employees, applicants, contractors, or volunteers
	OrRS 443.735	Adult foster home applicants for a license and renewal of a license and all persons over 16 years of age residing in the adult foster home
	OrRS 352.012	Oregon University System employees, applicants, contractors, or volunteers
	OrRS § 687.041	State Board of Massage Therapists licenses
	OrRS § 677.265	Board of Medical Examiners A. Licensing B. Renewal of a license C. Under investigation by the Board
	OrRS § 678.150	Board of Nursing A. Applicant for license or certification B. Renewal of a license or certification C. Under investigation by the Board
	OrRS 679.253	Board of Dentistry A. Employees, applicants, contractors, vendors, or volunteers B. Applicant for a license or certificate issued by the board C. Renewal of a license or certificate D. Under investigation by the Board
	OrRS 675.110	Board of Psychologist Examiners A. Applicant for license B. Renewal of license C. Under investigation by the Board

State	State Statute	Category of Positions Addressed
	OrRS 676.612	Health Licensing Office A. Applicant for certificate, permit, license, or registration B. Renewal of certificate, permit, license or registration C. Under investigation
	OrRS §689.207	Board of Pharmacy A. Applicant for license or certificate B. Renewal C. Under investigation
	OrRS § 675.595	Board of Clinical Social Workers Applicant, renewal, under investigation
	OrRS § 675.785	Board of Licensed Professional Counselors and Therapists Applicant, renewal, under investigation
	OrRS § 346.300	Commission for the Blind employees, applicants, volunteers
	OrRS § 735.711	Office of Private Health Partnerships employees, applicants, contractors, vendors, volunteers
	OrRS § 688.557	Board of Radiologic Technology
	OrRS § 456.569	Housing and community Services Department employees, applicants, contractors, vendors, volunteers
Pennsylvania	23 PaCSA § 6344	Non-residents applying for positions as child care personnel, including child-care service applicants, foster parents, adoptive parents, family day-care providers, and other providers of child-care facilities or programs
	24 PaCSA § 1-111; 24 PaCSA § 17-1724(A)	Applicants who have not been residents of the Commonwealth of Pennsylvania for at least 2 years preceding the date of application: A. School employees B. Charter school employees and volunteers
		NOTE: Previous statute #4, regarding educational personnel was removed from this listing, in lieu of submission under the Adam Walsh Child Protection and Safety Act of 2006
	63 PaCSA § 671-680	Non-residents applying for enrollment into a state-approved Nurse's Aide Training Program
Puerto Rico	None	
Rhode Island	RIGL § 40-13.2-4 and/or § 40-13.2-5	Licensing and employment of child care personnel
	RIGL § 16-48.1-4 and/or § 16-48.1-5	Licensing and employment of personnel providing educational services to very young children
	RIGL § 40-13.2-4 and § 40-13.2-5	Operators and employees of child care facilities licensed by the Department of Attorney General or seeking employment at the training school for youth
	RIGL § 14-1-34	Prospective foster parents
	RIGL § 16-2-18.1	Applicants for private school or public school department employment
	RIGL 15-7-11	Prospective adoptive parents
	RIGL § 16-52-3	Campus police officers and private security personnel applicant fingerprint cards submitted by R.I. State Police
	RIGL § 16-52-3	CJ Purpose -No user fee- Campus police officers and private security personnel applicant fingerprint cards submitted by an agency having an ORI# ending in the letter "E" will be processed as criminal justice applicants and no user fee charged
South Carolina	SCCA § 59-25-115	Education personnel certification

State	State Statute	Category of Positions Addressed
	SCCA § 63-7-2350	Licensing of foster parents and any person over the age of 18 residing in a foster home
	SCCA §§ 63-13-190 through 63-13-1010	Licensing of operators, employees, volunteers, and caregivers providing services for any child day care center, group day care homes, or family day care homes including Department of Social Services prospective employees in its Day Care Licensing or Child Protective Services Divisions
	SCCA §§ 44-7-2910 and 44-7-2920	Direct Caregivers (including volunteers) A. Adult daycare facility B. Community residential care facility
	SCCA § 40-33-25	Applicants for Nursing Licensure
	SCCA § 40-47-36	Board of Medical Examiners- Physicians, surgeons, and osteopaths A. Applicants B. Licensees
	SCCA § 44-61-80	EMT certification and re-certification applicants
South Dakota	§§ 26-6-14.3 through 26-6-14.5 SDCL	Child welfare agency licensee, child welfare agency administrator and staff supervisors, adults/volunteers who provide supervised care of children, and adults residing in the facility.
	23-3-15.1 to 23-3-15.3 SDCL	Applicants for employment with and licensing by the Sisseton-Wahpeton Sioux Tribe for the following positions A. Member of tribal or district council B. Judge of the tribal court C. Tribal commissions and boards D. Tribal conservation officer E. Executive officer of a tribal commercial enterprise F. Faculty member or administrator of tribal educational program G. Responsible for tribal child protection H. Work with tribal juvenile delinquents and offenders I. Tribal gaming licensee J. Tribal foster or prospective adoptive parent
	§ 13-49-14.13 SDCL	Applicants for employment with the South Dakota School for the Deaf for the following positions: A. Superintendent or principal B. Teacher or assistant teacher C. Certified or licensed clinical employment position D. Residence hall staff
	SDCL § 13-10-12	South Dakota school district employment
Tennessee	TnCA § 37-1-414; TnCA § 49-5-413; TnCA § 71-3-507; TnCA § 71-2-403	Child care providers: A. Employees/volunteers working with children in religious, charitable, scientific, educational, and athletic institutions or organizations B. Applicants for teaching positions and any other position requiring proximity to school children or to children in a child care program, to include contractors with direct contact with school children or children in a child care program, or with access to the grounds when children are present. C. Child care agency employees, volunteers, and foster/adoptive parents D. Adult day care
	TnCA § 49-7-2005a	Post-secondary education institution owner or director
	TnCA 5-1-126	Applicant for employment by a county government
	TnCA 6-54-129	Applicant for employment by a municipality
	TnCA 37-2-415	Emergency placement of children - all adult residents of care residence
	TnCA 63-1-116	Department of Health applicants for licenses, certificates, registrations, or other authorizations
Texas	TxGC §§ 411.087 and 411.090	Applicants for a teaching certificate
	TxGC §§ 411.087 and 411.097	Public School District employees and volunteers, and employee or prospective employee of a public or commercial company contracted to transport students

State	State Statute	Category of Positions Addressed
	TxGC §§ 411.087 and 411.098	School employees, professional consultants, volunteers, and volunteers in positions working with children at the Texas School for the Blind and Visually Impaired
	TxGC §§ 411.087 and 411.0985	Applicant for employment with the Texas Commission for the Blind
	TxGC §§ 411.087 and 411.097	Present and prospective employees and volunteers of public school districts, private and charter schools, regional education service centers, commercial transportation companies, or education shared services arrangement and all contractors, and their employees.
	TxGC §§ 411.087 and 411.103	Adults residing in McGruff House
	TxGC §§ 411.087 and 411.103	Child watch program participants
	TxGC §§ 411.087 and 411.110	Department of State Health Services A. Emergency Medical Services Provider license/certification B. Owner or manager of an applicant for provider license C. Holder of a license or certificate D. Wholesale drug distributor - initial or renewal of a license E. Applicants or employees of the TX Center for Infectious Disease or the South Texas Health Care System F. Applicants, employees, or contractors who provide goods or services with the DSHS Vital Statistics Unit G. Councils on Sex Offender Treatment or divisions that monitor sexually violent predators
	TxGC §§ 411.087 and 411.113	Texas School for the Deaf: School employees, professional consultants, and volunteer positions having direct involvement with children at the Texas School for the Deaf

State	State Statute	Category of Positions Addressed
	TxGC §§ 411.087 and 411.114	<p>Department of Family and Protective Services (DFPS)</p> <p>A. Applicant for license, registration, or certification for a child-care facility or child-placing agency under Chapter 42, Human Resource Code</p> <p>B. Owner, operator, employee, applicant for employment by a</p> <ol style="list-style-type: none"> 1. Child-care facility 2. Family home 3. Maternity home <p>C. Person 14 years of age or older working or staying in a child care facility, family home, or maternity home.</p> <p>D. DFPS hires whose duties include direct delivery of protective services to children, elderly persons, or persons with a disability</p> <p>E. Employee, applicant, volunteer, or volunteer applicant with a business entity or person that contracts with DFPS to provide direct delivery of protective services to children, elderly persons, or persons with a disability.</p> <p>F. DFPS registered volunteer.</p> <p>G. Provider or applicant to be a provider for in-home, adoptive, or foster care for children in the care of DFPS and other persons living in the residence.</p> <p>H. DFPS employee engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability.</p> <p>I. Subject of a report received by DFPS alleging that a person has abused, neglected, or exploited a child, an elderly person, or a person with a disability</p> <p>J. A person providing care for a child who is in the care of DFPS, and who is or will be receiving adoptive, foster, or in-home care.</p> <p>K. Through a contract with a nonprofit management center, an employee of, an applicant for employment with, volunteer, or applicant volunteer with a nonprofit, tax-exempt organization that provides any service that involves the care of, or access to children, elderly persons, or persons with a disability.</p> <p>L. Applicant for a care administrator or child-placing agency administrator license under Ch. 43 Human Resources Code.</p> <p>M. Volunteer or applicant volunteer with a local affiliate of Big Brothers/Big Sisters of America.</p> <p>N. Volunteer or applicant volunteer with the "I have a dream/Houston" program.</p> <p>O. Volunteer or applicant volunteer with an organization that provides court appointed special advocates for abused or neglected children.</p> <p>P. Person providing at the request of the child's parent, in-home care for a child who is the subject of a report alleging abuse or neglect.</p> <p>Q. Volunteer or applicant with a Texas chapter of the Make-A-Wish Foundation of America.</p> <p>R. Person providing at the request of the child's parent, in-home care for a child if the person gives written consent to the release and disclosure of the information.</p> <p>S. A child who is related to the caretaker and who resides in or is present in a child-care facility, family home, or maternity home, or any other person who has unsupervised access to a child in the care of a child-care facility, family home, or maternity home.</p> <p>T. An applicant for a position with the Department of Protective and Regulatory Services (DPRS) regardless of the duties or the position.</p> <p>U. A volunteer or applicant volunteer with the DPRS other than a registered volunteer, regardless of the duties to be informed.</p> <p>V. A person providing or applying to provide in-home adoptive or foster care for children to the extent necessary to comply with Subchapter B, Ch. 162, Family Code.</p> <p>W. DPRS employee, regardless of the duties of the employee's position.</p> <p>X. A relative of a child in the care of the DPRS.</p> <p>Y. A person, other than the subject of a report alleging abuse, neglect, or exploitation of a child, an elderly person, or a person with a disability, living in the residence in which the alleged victim resides other than the subject of a report.</p> <p>Z. A contractor or an employee of a contractor who delivers services to a ward of the DPRS under contract with the estate of the ward.</p>

State	State Statute	Category of Positions Addressed
		AA A person who seeks unsupervised visits with a ward of the DPRS, including a relative of the ward. BB An employee, volunteer, or applicant volunteer of a children's advocacy center, including a member of the governing board of the center.
	TxGC §§ 411.087 and 411.1145	Current or prospective employee, volunteer, or intern in a position that involves handling money or checks, working in a security sensitive area, or direct contact with persons under 18 years of age
	TxGC §§ 411.087 and 411.129	Municipal employment
	TxGC §§ 411.087 and 42.057	Background checks on workers at a family home
	TxGC §§ 411.087 and 411.1143	Applicants or providers of medical assistance programs
	TxGC §§ 411.087 and 411.1105	Applicants for chemical dependency counselors or counselor intern license, or clinical supervisor certification
	TxGC §§ 411.087 and 411.1142	Texas Interagency Council on Early Childhood Intervention employees or applicants with the council or volunteers
	TxGC 411.087 and 411.1285a	Domestic Relations Office A. Party to a proceeding in which the Office has been appointed guardian ad litem for a child, or B. Ordered to conduct a social study.
	TxGC §§ 411.087 and 411.1286	County Child Welfare Board appointed by the Commissioners Court
	TxGC §§ 411.087 and 411.1295	County employment
	TxGC §§ 411.087 and 411.1141 or 61.0357	Texas Youth Commission - employees, contractors, volunteers, ombudsmen, advocates, direct service providers
	TxGC 411.087 and 411.137	Texas Juvenile Probation Commission A. An applicant for a position with, certification from, and holder of certification from the Texas Juvenile Probation Commission.
	TxGC 411.122 and 411.087	State agencies or political subdivisions of the state that license or regulates members of a particular trade, occupation, business, vocation, or profession
	TxGC §§ 411.087 and 411.1386 or Texas Probate Code 698	The appointment of guardians by the county clerk or the Department of Aging and Disability Services
	TxGC 411.087 and 411.1406	Texas Guardianship Certification Board - applicants for or holders of certificates issued by the Board
	TxGC §§ 411.087 and 42.159	Employer-based day care facility-directors, caregivers, prospective caregivers, persons 14 years of age or older staying or working at the facility while children are present
	TxGC §§ 411.087 and 264.1165	Department of State Health Services - individuals who volunteer as mentors to foster children under mentorship pilot program
	TxGC §§ 411.087 and 42.056	Day care center directors, owners, or operators by the Department of Family and Protective Services
	TxGC §§ 411.087 and 411.122	Delegates authority to an agency of a political subdivision of the state that licenses or regulates members of a particular trade, occupation, business, vocation, or profession, on any applicant or licensee in a specified occupation for which such local governing authority has adopted and ordinance or resolution.
	Texas Education Code TxEC § 22.0831 TxEC § 22.0832 TxEC § 22.0833 TxEC § 22.0836	Education A. Certified educators B. Open enrollment charter school employees C. Non-certified employees D. Substitute teachers
	TxGC §§ 411.087 and 411.901	Texas Education Agency A. Employees and applicants to school district or open-enrollment charter schools B. Shared services arrangement - duties performed on school property or where children are present C. Contractors of school district, open enrollment charter school, or shared services arrangement with direct contact with students
	TxGC §§ 411.087 and 411.125	Board of Nursing - license applicants, or persons subject to investigation by the board in connection with a complaint or formal charge
	TxGC §§ 411.087 and 411.1237	Current or prospective applicants for employment or membership with the requesting fire department or emergency medical services

State	State Statute	Category of Positions Addressed
U.S. Virgin Islands	None	
Utah	UtICA § 78-3a-307.1	Out-of-home placement of children removed from custody of parents
	UtICA § 53A-6-103	Teacher certification
	UtICA 62A-2-120	Department of Human Services licensee or individual applying for or renewing a license, who has not resided in Utah for five years A. Providing child-placing services, youth programs, substitute care, foster care, or institutionalized care to children B. Services to persons with disabilities.
	UtICA § 26-21-9.5(2)(b)	Department of Health licensee or individual applying for or renewing a license, who has not resided in Utah for five years providing direct care to patients, including children, disabled or elderly adults, in a covered health care facility which includes: A. Home health care agencies B. Hospices C. Nursing care facilities D. Assisted living facilities E. Small health care facilities F. End-stage renal disease facilities
	UtICA § 53A-3-410(1)(a)(b)	School employee or volunteer
	UtICA § 26-39-107	Residential certificate or license as child care provider, including other adults residing in the residence, employees, owners/directors, and volunteers. A. Owners B. Directors C. Members of the governing body D. Employees E. Providers of care F. Volunteers G. All adults residing in a residence where child care is provided
	UtICA § 35A-3-310.5	Department of Workforce Services childcare providers and individuals who reside in the premises 18 years of age or older
	UtICA 26-8a-310	Certifications and certification renewals to emergency medical service personnel applicants who have not had residency in the state for the last five years
	UtICA 58-31b-302	Nurse Practitioner Applicants
	UtICA 58-17b-307	Pharmacists, pharmacy interns and pharmacy technicians
Vermont	VisA T15A § 1-113	Adoptive parents
	VisA T16 § 254-255	School employees
	VisA T33 § 5255	Temporary legal custodians of children
Virginia	VaCA § 22.1-296.2; VaCA § 22.1-296.3	Public school employment and accredited private or parochial school.
	VaCA § 63.1-248.7:2	VA Department of Military Affairs - Applicants - employment, volunteering or providing services to residential facilities for juveniles
	VaCA § 63.2-1726	Employees, volunteers, and service providers for juvenile residential facilities regulated or operated by the Virginia Department of Social Services, Education, Youth and Family Services, or Mental Health, Mental Retardation, and Substance Abuse Services
	VaCA 15.2-1505.1	Delegates authority to a locality to enact an ordinance meeting Public Law 92-544 criteria to obtain national background checks on individuals offered employment with the locality.
	VaCA 15.2-1503.1	Delegates authority to a locality to enact an ordinance meeting the Public Law 92-544 criteria to obtain national background checks on any applicant who is offered or accepts employment with the locality or any prospective licensee for any category of license designated by the ordinance.
	VaCA 63.2-901.1	Child placement - emergency, temporary, or permanent basis

State	State Statute	Category of Positions Addressed
	VaCA § 63.1-248.7:2	Employees, volunteers, and service providers for juvenile residential facilities regulated or operated by the Virginia Department of Social Services, Education, Youth and Family Services, or Mental Health, Mental Retardation, and Substance Abuse Services
	VaCA § 37.1-20.3	Prospective employees of State facilities operated by the Department of Health, Mental Retardation and Substances Abuse Services and prospective employees of this department for positions which receive, monitor, or disburse state funds
Washington	WaRC § 28A.400	School district employees/contractors who have unsupervised access to children
	WaRC §§ 74.15.030, 43.20A.710, 43.43.837, 26.44, 74.39a.055	Department of Social and Health Services Licensing/Provider, the emergency placement of children, and employees as long-term care workers for the elderly or persons with disabilities
	WaRC § 28A.195.080	Private school applicants and employees
	WaRC Ch. 46.82	Driver training instructors
	WaRC 79A.05.030	Parks and Recreation Commission Job applicants, volunteers, and independent contractors: A. having supervised access to children or vulnerable adults, or B. responsible for collecting or disbursing cash or processing credit/debit card transactions.
	WaRC 43.215	Department of Early Learning (DEL) applicants for an agency license, licensees, employees, and other persons with unsupervised access to children in care.
	WARS 35.61.130	Metropolitan Park District job applicants, volunteers, and independent contractors by resolution of each metropolitan park district
	WaRC § 18.130	Applicants for license as health care providers through the Washington State Department of Health
West Virginia	WVC § 49-2B-8	Child-welfare agencies, child-care applicants, including child-placement agencies, child care facilities, day-care centers, and family day-cares
	WVA § 18A-3-10	Initial license for certification issued by the Department of Education
	SB 299, § 64-9-13 (b) & WV Leg. R § 10-2-1 through 10-2-14	Licensed Practical Nurse
	Rule 143CSR4	Department of Personnel applicants for classified state employment or within a county health department
	WVC § 16-4C-8	Emergency Medical Service Personnel
Wisconsin	WiSA § 18.19(10)	Teachers license
	WiSA § 48.57(3p)(d); WiSA § 48.685(2)(bm); WiSA § 50.065(2)(bm)	Department of Health and Family Services including A. Kinship care B. Day care licensing C. Care giver licensing
	WiSA 343.12	School Bus Operators
	WiSA 124.555	Student Transportation - Private Schools
	WiSA § 440.03(13)(b) and (c)	Department of Regulation & Licensing Applicant or licensee
Wyoming	WyS § 7-19-201	Department of Family Services and Dept. of Health A. Employees who may have access to minors, persons suffering mental illness or developmental disabilities, or the elderly B. Contractors providing specialized home care or respite care of minors.
	WyS § 7-19-201	State institution employees who may have access to minors, persons suffering mental illness or developmental disabilities or the elderly
	WyS § 7-19-201	Certification by the professional teaching standards board and employees initially hired by a school district.

State	State Statute	Category of Positions Addressed
	WyS § 7-19--201	Optometry Licenses applicants.
	WyS § 7-19--201	Physical Therapist licensure or certification
	WyS § 21-7-401	School district employees who have access to minors

Appendix B: Elderly/Disabled Related Statutes, by State

State	State Statute	Category of Positions Addressed
Alabama	AIC § 22-50-90	Direct care providers (includes employees and contract employees) who provide direct care to Alabama Department of Mental Health clients and patients
	AIC § 34-24-70, AIC § 34-24-337, and AIC § 34-24-361	Medical licensure A. Applicants to State Board of Medical Examiners for certificate of qualification for a license to practice medicine B. Applicants to Medical Licensure Commission for reinstatement of a license to practice medicine C. Physician or osteopath under investigation by State Board of Medical Examiners
Alaska	AKS § 12.62.160	Employment involving supervisory or disciplinary power over minors or dependent adults.
	AKS §§ 47.33.100 and 47.33.550	Employees and administrators of assisted living homes
	AKS § 18.20.302	Employees of nursing facilities
	AKS § 47.05.310	Department of Health and Social Services applicants for a license, license renewal, certification, or certification renewal
	AKS § 08.68.100	License to practice nursing or the certification of a nurse aide - when read with AKS § 12.62.400
Arizona	ARS 41-1750	Statute permits local non law enforcement governmental agencies to require fingerprinting by rule, regulation, or ordinance applicable to employment and licensing purposes. Although the statute represents a broad delegation of rule making power to local agencies, challenges claiming over delegation appear to be without foundation, particularly in view of the requirement in the statute that the local non law enforcement agencies channel their exchange requests through a central state dissemination unit.
	AzRS § 41-1750; EO 89-26	Applicants for employment as licensed driving instructors of the Motor Vehicle Division of the Arizona Department of Transportation
	AzRS § 41-1750; EO 88-6	Applicants for employment and applicants for licensing and Contract providers with the Arizona Health Care Cost Containment System
	AzRS § 32-1606	Licensing/certifying professional nurses, practical nurses, and nursing assistants
	AzRS § 36-411, § 41-1758.01-02	Arizona Department of Public Safety licensing/certifying employees and owners of residential/nursing care institutions, or home health agencies or contracted persons who provide direct care, home health care or supportive services
	AzRS §§ 41-1758.01 and 41-1758.02	Applicant for Fingerprint Clearance Card
	AzRS § 46-141 I	Department of Economic Security employees, volunteers, or contractors having contact with juveniles or vulnerable adults
	AzRS § 36-594.02	Adult developmental home or child developmental foster home license
Arkansas	ArCA § 20-33-201 through 203	Applicants, employees, elder-choices provider, and operators providing care for the elderly or individuals with disabilities
	ArCA § 21-15-102	State employment involving direct contact with children, mentally ill, and developmentally disabled persons.
	ArCA § 17-87-312	First time applicants for nursing license
	ArCA § 12-12-1607	Volunteers working with children, elderly, victims of domestic abuse, or persons with disabilities.
	ArCA § 20-48-802	Service providers for direct care services of developmentally disabled persons
California	CH&SC § 1522	California State Department of Social Services issuing licenses, permits, or certificates of approval for persons to operate or provide direct care services as: A. Community Care Facilities B. Foster Family Home C. Family homes of licensed foster family agencies

State	State Statute	Category of Positions Addressed
	CHSC § 1265.5	Intermediate care facility or developmentally disabled rehabilitative facility operators, managers or direct care staff
	CPC § 2342	Private professional conservators or private professional guardians
	CH&SC § 1416.26	State Board of Nursing Home Administrators 1. Nursing Home Administrators
	CB&PC §§ 4980.40, 4996, 4996.2, 17820, 4980, 4980.30, 4987.6, 4987.9, 4996.18, 4980.44	Board of Behavioral Sciences 1. Licensed educational psychologist 2. Licensed clinical social workers/corporations 3. Licenses marriage, family, and child counselors 4. Marriage, family, and child counselors corporations 5. Registered associate clinical workers 6. Registered interns
	CB&PC §§ 2903, 2913, 2914	Board of Psychology 1. Psychologist 2. Registered psychologist 3. Psychological assistants
	CB&PS §§ 2725, 2732, 2732.1, 2736, 2737, 2818, 2835, 2836, 2829, 2830, 2746.5, 2746.51, 2811.5	Board of Registered Nursing 1. Registered nurses 2. Public health nurses 3. Psychiatric mental health nurses 4. Nurse practitioners 5. Nurse practitioners with furnishing number 6. Nurse anesthetists 7. Nurse midwife 8. Nurse midwife with furnishing number 9. Continuing education providers
	CB&PC §§ 2630, 2655.3	Physical therapy board 1. Physical therapists 2. Physical therapy assistants
	CB&PC §§ 2532, 2532.2, 2530.6	Speech-language Pathology and Audiology Board 1. Audiologists 2. Speech-language pathologists 3. Speech-language pathology aides
	CPC § 11105.04	Court Appointed Special Advocate (CASA) employee and volunteer candidates.
	CB & PC § 144	California Board of Occupational Therapy
	CVC § 12523.6	Certification of drivers who transport persons with disabilities and have not resided in the state of California for the past seven consecutive years
	CW & IC 5405	Psychiatric health facility, mental health rehabilitation center A. Employee B. License C. Direct care staff D. Direct services contractor
	CB&PC § 22442.4	Immigration consultants
	CI1&SC § 1569.17 and CW&IC § 9719	State Long-Term Care Ombudsman certification applicants and volunteers
	CPC 11105 § (b)(11)	Delegates authority to obtain national background checks on applicants for employment, certification, or licensing with a locality to a locality based on specific authority by city council, board or supervisors or governing board of a city, county, or district
Colorado	CoRS § 27-1-110	State Department personnel (employees or contract employees) who have direct contact with vulnerable persons
	CoRS §§ 25-27.5-106	Home care agency owners, applicants, or licensees
Connecticut	CtGSA § 19a-87b(b)	Applicant or prospective employee of a family day care home
	CtGSA § 19a-491b	Owner applicants of nursing homes
	CtGSA § 19a-80(c)	Department of Public Health: A. Prospective employee of a child day care center or group day care home B. Applicant or prospective employee of a family day care home
	CtGSA § 91a-87b(b)	

State	State Statute	Category of Positions Addressed
Delaware	16 DeCA § 1141	Nursing home employees
	16 DeCA § 1145	Home healthcare employees A. Prospective employees B. Current employee seeking promotion C. Individuals seeking employment on private agencies D. Persons referred by temporary agencies
	29 DeCA § 7920	Volunteers for elderly finances A. Bill payer B. Representative payee
	24 DeCA § 52008	Nursing Home Administrator applicants for original licensure, license by reciprocity, temporary licensure, registration, or license renewal
District of Columbia	None.	
Florida	FIS §§ 393 and 435.04	Day care or residential facility caretakers providing treatment to retarded or developmentally disabled individuals (children or adults)
	FIS §§ 408.802 and 408.809	Agency for health care administration E. Short-term residential treatment facilities F. Residential treatment facilities H. Hospitals I. Ambulatory surgical centers J. Mobile surgery facilities K. Private review agents L. Health care risk managers M. Nursing homes N. Assisted living facilities O. Home health agencies P. Nurse registries Q. Companion services or homemaker services providers R. Adult day care centers S. Hospices T. Adult family care homes U. Homes for special services V. Transitional living facilities Z. Health care services pools
	FIS §§ 400.215 FS and 435.04 FS	Employees of nursing facilities licensed under Part 11
	FIS §§ 400.215 and 464.203	Certified nursing assistant
	FIS § 464.009	Florida Board of Nursing- applicant for licensure by endorsement
	FIS 413.011	Division of Blind Services, Florida Department of Education
	Georgia	OGCA § 31-7-254 and OCGA § 31-7-259
OGCA § 49-2-14		Department of Human Resources (DHR) A. Applicants for employment with GA DHR, contractors, district or county health agencies whose duties involve direct care, treatment, or custodial responsibilities of its clients.
OGCA § 31-2-14		Department of Community Health Licensing A. Personal care homes B. Private home care C. Community living arrangements
OGCA § 43-26-7		Registered professional nurses

State	State Statute	Category of Positions Addressed
Hawaii	HRS Chapter 846	Personnel identified in numerous agencies and other entities for permits, licensing, or employment purposes: A. Adult foster homes or developmental disabilities domiciliary homes and their employees J. Operators and employees of home and community-based case management agencies and operators and other adults residing in foster family homes L. Employees and applicants at detention and shelter facilities M. Employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility or who possess police powers Q. Applicants or employees of the State or any of its branches, political subdivisions, or agencies holding a position that has the same type of contact with children, dependents, adults, or persons committed to a correctional facility as other public employees
Idaho	IdC § 67-3008	Statute permits local government non-law enforcement agencies to require fingerprinting by rule, regulation, or ordinance applicable to employment and licensing purposes.
	IdAPA § 16.05.06	Department of Health and Welfare (DHW) B. Certified family homes D. Department of Health & Welfare employees and contractors I. Commercial non-emergency transportation providers J. Developmental disabilities agencies K. Emergency medical services L. Home and community based services M. Home health agencies N. Intermediate Care facilities for the mentally retarded O. Mental health clinics P. Personal assistance agencies Q. Personal care service providers R. Psychosocial rehabilitation providers S. Residential care of assisted living facilities T. Semi-independent group residential care facilities for developmentally disabled or mentally ill. U. Service coordinators and paraprofessional providers V. Skilled nursing and intermediate care facilities W. Support brokers and community support workers
	IdC § 54-1401	Board of Nursing licensees
Illinois	HRS, Chapter 67 § 1/2	Public housing eligibility formerly
	IICS 5/12-4.25 (G-5)(2)	Vendors of non-emergency transportation services
	IICS Chapter 225 § 65/5-23	Nursing applicants
Indiana	None.	
Iowa	None.	
Kansas	KSA 75-53. 105	Social and rehabilitative services caregiver
	KSA § 74-1112	Kansas Board of Nursing
Kentucky	KyRS § 314.103	Kentucky Board of nursing- applicant for licensure by endorsement
Louisiana	LaRS § 37:1277	Applicants for a health care practitioner license, permit certification, or registration
	LaRS § 37.2372.1	Applicants to the Louisiana State Board of Examiners of Psychologists for issuance or reinstatement of any license, registration, certificate, permit or any other designation deemed necessary to engage or assist in the practice of psychology that the board is authorized by law to issue
	LaRS § 37:2505.1	Nursing home administrator applicants

State	State Statute	Category of Positions Addressed
	LaRS § 37:920.1	License issued by state Board of Nursing including students in clinical nursing courses
Maine	None.	
Maryland	Maryland Health Occupations Article, §§ 8-303, 8-304, 8-6A-05	Health occupations- State Board of Nursing license and renewal A. Registered nurses B. Certified nursing assistant, certified medicine aide
	Maryland Transportation Article, § 15-804	Licenses as driving instructors
Massachusetts	None.	
Michigan	MiCL § 400.734A	Adult foster care employment
	MiCL § 722.115(5H)	Foster family home or foster family group home license and renewal of license.
Minnesota	MnSA § 144A.46, Subd. 5 and § 144.057	Home care providers and their employees
	MnSA § 525.545	Professional guardians or conservators and employees under guardianship of conservatorship
	MnSA § 260C. 209, Subd. 3	Child Placement, includes emergency placement
Mississippi	MsCA § 43-11-13	Any person employed by a hospital, nursing home, personal care home, home health agency or hospice, either directly or as a contractor
	MsCA § 41-19-33	Employees and volunteers of community mental health regional facilities
	MsCA § 37-115-41	University of Mississippi Medical Center employees who provide direct patient care
	MsCA §§ 73-25-3, 73-25-14 or 32, 73-26-3, 73-27-5, and 73-27-12	Medical Licensing Board A. Medical and osteopathic licensure/reinstatement B. Physicians assistant licensure C. Podiatric licensure/reinstatement
	MsCA 43-1-4	Department of Human Service employees and volunteers
Missouri	RSMo § 43.543	Department of Social Services
	RSMo § 660.317	Senior service patient Care
	RSMo § 43.540 and 210.482	Care providers with unsupervised access to children, the elderly, or persons with disabilities, includes emergency placement of children
Montana	MtCA § 37-22-301	Social workers
	MtCA § 37-23-101	Professional counselors
Nebraska	NeRS § 83-1217.02	Employees of state-operated services and facilities providing developmental disabilities services
	NeRS § 71-1903	Department of Health and Human Services A. Licensees with the Authority to Prescribe controlled substances B. Applicants for initial or renewed wholesale drug distributor licenses
Nevada	NvRS § 239B.010 (1)(a)	Applicants for license as required by statute or local ordinance. Statute permits local non law enforcement governmental agencies to require fingerprinting by rule, regulation, or ordinance applicable to employment and licensing purposes. The statute represents a broad delegation of rule making power to local agencies which include childcare facilities, childcare-family care home, home services, daycare personnel, occupations with any contact with children, the elderly, home services.
	NvRS § 632.344	Nurses License
	NvRS § 654.150 and 155	Nursing facility and residential facility administrator's license

State	State Statute	Category of Positions Addressed
	NvRS § 449.176 and 449.179	Applicants for license to operate a facility for intermediate care, facility for skilled nursing or residential facility for groups, an agency providing personal care, and any employee or independent contractor of the home, and to applicants for employment with each such facility and each agency to provide nursing in the home.
	NvRS § 631.220	Dentists and Dental Hygienists License
	NvRS § 641C.260 and 530	Board of Examiners for Alcohol, Drug and Gambling Counselors applicants, renewal, restoration
	NvRS § 641.202	Board of Examiners for Social Workers
	NvRS § 118A.335	Applicants for a Work Card performing work in dwelling units intended for persons 55 years of age and older and who will work 36 hours or more per week and have access to all dwelling units
	NvRS § 639.500	Nevada Board of Pharmacy applicants to engage in wholesale distribution
	NvRS § 450B.800	Southern Nevada Health District applicants for permits, licenses or certificates
	NvRS § 426.335	Personal care attendants employed by or under contract with an intermediary service organization
	NvRS § 641.160	Applicants for licenses to practice psychology
New Hampshire	NH RSA §41:9-h	Municipal employees or volunteers that work w/children, or elderly, enter the home of citizens, or collect or manage money
	NH RSA §330-C:20	Alcohol and Drug Counselors
	NH RSA §329:11-a	Physician and surgeon applicants
	NH RSA §328-D:3-a	Physician assistant
	NH RSA §326-B:15	Board of Nursing
	NH RSA §170-E:29	Foster parents and adults living in the home
New Jersey	NJSA § 30:4-3.4 through 30:4-3.6 and 30:6D-64	Department of Human Services A. Present/prospective employees of a State institution or facility for mentally ill or developmentally disabled persons B. Community agency heads and employees under contract with DHS - Private contractor employment
	NJSA 30:11-23	Nursing Home Administrators
	NJSA 26:2H83 and 45:11-24.3	Care for the Elderly A. Employment at care facility for the Elderly (Nurses aid/PCA) B. Employment as Home Health Aide or Other Health Care Employee with a Home Health Care Agency, Nurses Registry, Employment Agency, or Temporary Help Agency Licensed or Regulated by the Division of Consumer Affairs
	NJSA § 26:2H-7.15 to 7.20	Assisted living administrator
	NJSA § 26:2Y-1 to 11	Adult family care
	NJSA § 45:1-30	Health Care Professionals as regulated by the appropriate board
New Mexico	NMSA 61-3-13	License as Registered Nurse
	NMSA §-61-3-18	License as Practical Nurse

State	State Statute	Category of Positions Addressed
	NMSA § 29-17-5	Applicants or care givers (employee, contractor, or volunteer) for care providers with direct care or unsupervised physical or financial access to care recipients.
New York	NY Public Health Law, Article 28-E	Nursing home and home health care agency prospective employees
	NY Exec. Law § 845-b	Service providers to mentally ill, mentally retarded, or developmentally disabled peoples
	NY Criminal Procedure Law § 2.10	Mental Retardation and Development (Law Enforcement Position ONLY)
North Carolina	NCGS §§ 114-19.11	Board of Nursing applicants for license as a Registered Nurse or Licensed Practical Nurse
	NCGS §§ 90-30	Dentistry License
	NCGS §§ 90-224	Dental hygiene license
	NCGS § 90D-7	Licensed Deaf Interpreter
	NCGS § 90-652	Respiratory Care Board license applicants
	NCGS § 122C-80(b), or 131D-40(a) and (a1) or 131E-265(a)	Long Term Care
	NCGS § 90-113.46A	Substance Abuse Professionals
	NCGS § 114-19.9	Applicants as volunteers for McGruff House and persons over 18 years old living in applying household.
NCGS 114-19.6	Backgrounding of the following categories: A. Department of Juvenile Justice and Delinquency Prevention (DJJDP) employees and applicants who provide direct patient care for a client, patient, student, resident or ward. B. DJJDP supervisors or employees providing direct patient care. C. Department of Health and Human Services (DHHS) applicants or current employees. D. DHHS contractors or contractor employees E. DHHS volunteers	
NCGS § 114-19.25	Nursing Home Administrators	
NCGS § 114-19.18	Psychologists	
North Dakota	NDCC 43-12.1	Board of Nursing applicants, licensees, registrants, or disciplinary investigations when read with NDCC 12-60-24
	NDCC 43-15-10 NDCC 19-03.1	State Board of Pharmacy A. Applicants or disciplinary investigations when read with NDCC 12-60-24 B. Registrations, revocations or suspension of registrations when read with NDCC 12-60-24
	NDCC § 12-60-24 [2] (n)	Department of Health: Final applicants, those under investigation, and other applicants
	NDCC § 43.15.3	State Board of Pharmacy for wholesale drug distributor licensing when read with NDCC 12-60-24.
	NDCC § 12-60-24(2) (m)	State Board of Examiners for nursing home administrators for applicants licensure or licensees.

State	State Statute	Category of Positions Addressed
Ohio	OhRC § 109.572	Background check regarding children, including the following applicants responsible for the care, custody, or control of a child. A. "Out-of-Home" child care, adoptive parents, and foster care givers B. Head Start agency employment C. Preschool program employment D. Public school district or chartered nonpublic school (includes employment of teachers) E. Home health agency F. Child day care center, Type-A family day care home, and certified Type-B family day care home, and certified in-home aide employment G. Child day care center owner, licensee, or administrator; Type-A family day care homeowner, licensee, administrator, and any person 18 years of age or older who resides in the home H. County Board of Mental Retardation and Developmental Disabilities I. County Public Children Services Board or County Department of Human Services administering child welfare
	OhRC § 109.572 173.41 3701.881 3721.121 5126.28 3712.09 3722.151	Background check re: Providing direct care to an older adult. Includes the following applicant's responsible for providing direct care to an older adult: A. Passport agency B. Home Health agency C. Home or Adult Day-Care Program D. County Board of Mental Retardation and Developmental Disabilities E. Hospice Care Program F. Adult Care Facility
	OhRC § 4723.09	Medical A. Nurses B. Dialysis techs C. Students for above
	OhRC § 4715.101	State Dental Board License applicants
	OhRC § 4725.121	State Board of Optometry license applicants
	OhRC § 4725.501	Ohio Optical Dispensers Board license applicants
	OhRC § 4729.071	State Board of Pharmacy license applicants
	OhRC § 4730.101	Physicians Assistant certificate applicants
	OhRC § 4731.081	State Medical Board certificate applicants to practice medicine and surgery, or osteopathic medicine or surgery
	OhRC § 4731.296	Telemedicine practitioner certificate applicants
	OhRC § 4731.531	Podiatric medicine and surgery certificate applicants
	OhRC § 4732.091	State Board of Psychology license applicants
	OhRC § 4755.70	Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board license applicants
	OhRC § 4757.101	Counselor, Social Worker, and Marriage and Family Therapists Board license applicants
	OhRC § 4759.061	Ohio Board of Dietetics license applicants
	OhRC § 4760.032	Anesthesiologist Assistant certificate of registration applicants
	OhRC § 4761.051	Ohio Respiratory Care Board license applicants
	OhRC § 4779.091	State Board of Orthotics, Prosthetics, and Podorthotics license applicants
	OhRC § 4729.42	Qualified Pharmacy Technician
Oklahoma	OhRC § 4779.091	State Board of Orthotics, Prosthetics, and Podorthotics license applicants
	OhRC § 4729.42	Qualified Pharmacy Technician

State	State Statute	Category of Positions Addressed
Oregon	OrRS § 181.537	Department of Human Services and the Employment Department A. Agency employment B. Licensing, certifying, registering, regulating, or administering programs, persons, or qualified entities that provide care. C. Mass transit district or transportation district employees under contract to transport medical assistance program clients.
	OrRS § 181.538	Applicants for employment with a tribal government or agency for the following positions: A. Tribal gaming facility as a key employee, high-security employee, low-security employee, or management employee B. Child care, child welfare, education, health care, housing, or social service
	OrRS 443.735	Adult foster home applicants for a license and renewal of a license and all persons over 16 years of age residing in the adult foster home
	OrRS § 687.041	State Board of Massage Therapists licenses
	OrRS § 677.265	Board of Medical Examiners A. Licensing B. Renewal of a license C. Under investigation by the Board
	OrRS § 678.150	Board of Nursing A. Applicant for license or certification B. Renewal of a license or certification C. Under investigation by the Board
	OrRS 679.253	Board of Dentistry A. Employees, applicants, contractors, vendors, or volunteers B. Applicant for a license or certificate issued by the board C. Renewal of a license or certificate D. Under investigation by the Board
	OrRS 675.110	Board of Psychologists Examiners A. Applicant for license B. Renewal of license C. Under investigation by the Board
	OrRS 676.612	Health Licensing Office A. Applicant for certificate, permit, license, or registration B. Renewal of certificate, permit, license or registration C. Under investigation
		OrRS §689.207
	OrRS § 675.595	Board of Clinical Social Workers Applicant, renewal, under investigation
	OrRS § 675.785	Board of Licensed Professional Counselors and Therapists Applicant, renewal, under investigation
	OrRS § 346.300	Commission for the Blind employees, applicants, volunteers
	OrRS § 735.711	Office of Private Health Partnerships employees, applicants, contractors, vendors, volunteers
	OrRS § 688.557	Board of Radiologic Technology
	OrRS § 456.569	Housing and community Services Department employees, applicants, contractors, vendors, volunteers
Pennsylvania	35 PaCSA § 10225 502(a) (2)	Applicants, current employees, and contract employees, who have not resided in the Commonwealth of Pennsylvania for the two years immediately preceding the application, and who will have direct contact with, or unsupervised access to the living quarters of, a care dependent older adult resident, 60 years of age or older.
	63 PaCSA § 671-680	Non-residents applying for enrollment into a state-approved Nurse's Aide Training Program
Puerto Rico	None	
Rhode Island	None	

State	State Statute	Category of Positions Addressed
South Carolina	SCCA § 40-35-40	Licensing of Nursing Home administrators and residential care facility administrators Education personnel certification
	SCCA §§ 20-7-2730 through 20-7-3097	Licensing of operators, employees, volunteers, and caregivers providing services for any child day care center, group day care homes, or family day care homes including Department of Social Services prospective employees in its Day Care Licensing or Child Protective Services Divisions
	SCCA §§ 44-7-2910 and 44-7-2920	Direct Caregivers (including volunteers) A. Adult daycare facility B. Community residential care facility
	SCCA § 40-33-25	Applicants for Nursing Licensure
	SCCA § 40-47-36	Board of Medical Examiners- Physicians, surgeons, and osteopaths A. Applicants B. Licensees
	SCCA § 44-61-80	FMT certification and re-certification applicants
South Dakota	§§ 26-6-14.3 through 26-6-14.5 SDCL	Child welfare agency licensee, child welfare agency administrator and staff supervisors, adults/volunteers who provide supervised care of children, and adults residing in the facility.
	§ 13-49-14.13 SDCL	Applicants for employment with the South Dakota School for the Deaf for the following positions: A. Superintendent or principal B. Teacher or assistant teacher C. Certified or licensed clinical employment position D. Residence hall staff
Tennessee	TnCA § 37-1-414; TnCA § 49-5-413; TnCA § 71-3-507; TnCA § 71-2-403	Child care providers: A. Employees/volunteers working with children in religious, charitable, scientific, educational, and athletic institutions or organizations B. Applicants for teaching positions and any other position requiring proximity to school children or to children in a child care program, to include contractors with direct contact with school children or children in a child care program, or with access to the grounds when children are present. C. Child care agency employees, volunteers, and foster/adoptive parents D. Adult day care
	TnCA § 33-2-1201	Tennessee Department of Mental Health and Mental Retardation (TDMHMR): care providers, including applicants for employment, employees and volunteers who have direct contact with or responsibility for persons with mental illness or developmental disabilities.
	TnCA 63-1-116	Department of Health applicants for licenses, certificates, registrations, or other authorizations
Texas	TxGC §§ 411.087 and 411.098	School employees, professional consultants, volunteers, and volunteers in positions working with children at the Texas School for the Blind and Visually Impaired
	TxGC §§ 411.087 and 411.103	Adults residing in McGruff House
	TxGC §§ 411.087 and 411.113	School employees, professional consultants, and volunteer positions having direct involvement with children at the Texas School for the Deaf

State	State Statute	Category of Positions Addressed
	TxGC §§ 411.087 and 411.114	<p>Department of Family and Protective Services (DFPS)</p> <p>A. Applicant for license, registration, or certification for a child-care facility or child-placing agency under Chapter 42, Human Resource Code</p> <p>B. Owner, operator, employee, applicant for employment by a</p> <ol style="list-style-type: none"> 1. Child-care facility 2. Family home 3. Maternity home <p>C. Person 14 years of age or older working or staying in a child care facility, family home, or maternity home.</p> <p>D. DFPS hires whose duties include direct delivery of protective services to children, elderly persons, or persons with a disability</p> <p>E. Employee, applicant, volunteer, or volunteer applicant with a business entity or person that contracts with DFPS to provide direct delivery of protective services to children, elderly persons, or persons with a disability.</p> <p>F. DFPS registered volunteer.</p> <p>G. Provider or applicant to be a provider for in-home, adoptive, or foster care for children in the care of DFPS and other persons living in the residence.</p> <p>H. DFPS employee engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability.</p> <p>I. Subject of a report received by DFPS alleging that a person has abused, neglected, or exploited a child, an elderly person, or a person with a disability</p> <p>J. A person providing care for a child who is in the care of DFPS, and who is or will be receiving adoptive, foster, or in-home care.</p> <p>K. Through a contract with a nonprofit management center, an employee of, an applicant for employment with, volunteer, or applicant volunteer with a nonprofit, tax-exempt organization that provides any service that involves the care of, or access to children, elderly persons, or persons with a disability.</p> <p>L. Applicant for a care administrator or child-placing agency administrator license under Ch. 43 Human Resources Code.</p> <p>M. Volunteer or applicant volunteer with a local affiliate of Big Brothers/Big Sisters of America.</p> <p>N. Volunteer or applicant volunteer with the "I have a dream/Houston" program.</p> <p>O. Volunteer or applicant volunteer with an organization that provides court appointed special advocates for abused or neglected children.</p> <p>P. Person providing at the request of the child's parent, in home care for a child who is the subject of a report alleging abuse or neglect.</p> <p>Q. Volunteer or applicant with a Texas chapter of the Make-A-Wish Foundation of America.</p> <p>R. Person providing, at the request of the child's parent, in-home care for a child if the person gives written consent to the release and disclosure of the information.</p> <p>S. A child who is related to the caretaker and who resides in or is present in a child-care facility, family home, or maternity home, or any other person who has unsupervised access to a child in the care of a child-care facility, family home, or maternity home.</p> <p>T. An applicant for a position with the Department of Protective and Regulatory Services (DPRS) regardless of the duties or the position.</p> <p>U. A volunteer or applicant volunteer with the DPRS other than a registered volunteer, regardless of the duties to be informed.</p> <p>V. A person providing or applying to provide in home adoptive or foster care for children to the extent necessary to comply with Subchapter B, Ch. 162, Family Code.</p> <p>W. DPRS employee, regardless of the duties of the employee's position</p> <p>X. A relative of a child in the care of the DPRS.</p> <p>Y. A person, other than the subject of a report alleging abuse, neglect, or exploitation of a child, an elderly person, or a person with a disability, living in the residence in which the alleged victim resides other than the subject of a report.</p> <p>Z. A contractor or an employee of a contractor who delivers services to a ward of the DPRS under contract with the estate of the ward.</p>

State	State Statute	Category of Positions Addressed
		AA. A person who seeks unsupervised visits with a ward of the DPRS, including a relative of the ward. BB. An employee, volunteer, or applicant volunteer of a children's advocacy center, including a member of the governing board of the center.
	TxGC §§ 411.087 and 411.113	Texas School for the Deaf: School employees, professional consultants, and volunteer positions having direct involvement with children at the Texas School for the Deaf
	TxGC §§ 411.087 and 411.115	Texas Department of Mental Health and Mental Retardation (DMHMR) A. Employees/or prospective employees and volunteers of DMHMR B. Employees/volunteers with community centers C. Contractors that provide residential services to patients who are mentally ill or mentally retarded.
	TxGC §§ 411.087 and 411.110	Department of State Health Services A. Emergency Medical Services Provider license/certification B. Owner or manager of an applicant for provider license C. Holder of a license or certificate D. Wholesale drug distributor - initial or renewal of a license E. Applicants or employees of the TX Center for Infectious Disease or the South Texas Health Care System F. Applicants, employees, or contractors who provide goods or services with the DSHS Vital Statistics Unit G. Councils on Sex Offender Treatment or divisions that monitor sexually violent predators
	TxGC §§ 411.087 and 411.1388	Council on Sex Offender Treatment licensees, applicants for initial or renewal of a license to provide mental health or medical services for the rehabilitation of sex offenders
	TxGC §§ 411.087 and 411.1143	Applicants or providers of medical assistance programs
	TxGC §§ 411.087 and 411.1105	Applicants for chemical dependency counselors or counselor intern license, or clinical supervisor certification
	TxGC §§ 411.087 and 42.057	Background checks on workers at a family home
	TxGC §§ 411.087 and 411.137	Public Hospitals and hospital districts
	TxGC 411.122 and 411.087	State agencies or political subdivisions of the state that license or regulates members of a particular trade, occupation, business, vocation, or profession
	TxGC 411.087 and 411.1285	Domestic Relations Office A. Party to a proceeding in which the Office has been appointed guardian ad litem for a child, or B. Ordered to conduct a social study.
	TxGC §§ 411.087 and 411.1286	County Child Welfare Board appointed by the Commissioners Court
	TxGC §§ 411.087 and 411.1295	County employment
	TxGC §§ 411.087 and 411.1141 or 61.0357	Texas Youth Commission - employees, contractors, volunteers, ombudsmen, advocates, direct service providers
	TxGC §§ 411.087 and 411.1386	The appointment of guardians by the county clerk
	TxGC §§ 411.087 and 411.122	Delegates authority to an agency of a political subdivision of the state that licenses or regulates members of a particular trade, occupation, business, vocation, or profession, on any applicant or licensee in a specified occupation for which such local governing authority has adopted and ordinance or resolution.
	TxGC §§ 411.087 and 411.1406	Texas Guardianship Certification Board - applicants for or holders of certificates issued by the Board
	TxGC §§ 411.087 and 411.1386	The appointment of guardians by the county clerk or the Department of Aging and Disability Services
	TxGC §§ 411.087 and 411.125	Board of Nursing - license applicants, or persons subject to investigation by the board in connection with a complaint or formal charge
	TxGC §§ 411.087 and 411.1237	Current or prospective applicants for employment or membership with the requesting fire department or emergency medical services
U.S. Virgin Islands	None	

State	State Statute	Category of Positions Addressed
Utah	UtCA 62A-2-120	Department of Human Services licensee or individual applying for or renewing a license, who has not resided in Utah for five years A. Providing child-placing services, youth programs, substitute care, foster care, or institutionalized care to children B. Services to persons with disabilities.
	UtCA § 26-21-9.5(2)(b)	Department of Health licensee or individual applying for or renewing a license, who has not resided in Utah for five years providing direct care to patients, including children, disabled or elderly adults, in a covered health care facility which includes: A. Home health care agencies B. Hospices C. Nursing care facilities D. Assisted living facilities E. Small health care facilities F. End-stage renal disease facilities
	UtCA 26-8a-310	Certifications and certification renewals to emergency medical service personnel applicants who have not had residency in the state for the last five years
	UtCA 58-31b-302	Nurse Practice Applicants
	UtCA 58-17b-307	Pharmacists, pharmacy interns and pharmacy technicians
Vermont	None	
Virginia	VaCA § 37.2-506	Prospective and contract employees of every community services board, administrative policy board, local government department with a policy-advisory board and behavioral health authority
	VaCA § 63.1-248.7:2	Employees, volunteers, and service providers for juvenile residential facilities regulated or operated by the Virginia Department of Social Services, Education, Youth and Family Services, or Mental Health, Mental Retardation, and Substance Abuse Services
	VaCA § 37.1-20.3	Prospective employees of State facilities operated by the Department of Health, Mental Retardation and Substances Abuse Services and prospective employees of this department for positions which receive, monitor, or disburse state funds
	VaCA § 37.2-416	Employees of every agency licensed by Department of Mental Health in direct consumer care positions
	VaCA 15.2-1505.1	Delegates authority to a locality to enact an ordinance meeting Public law 92-544 criteria to obtain national background checks on individuals offered employment with the locality.
	VaCA 15.2-1503.1	Delegates authority to a locality to enact an ordinance meeting the Public Law 92,544 criteria to obtain national background checks on any applicant who is offered or accepts employment with the locality or any prospective licensee for any category of license designated by the ordinance.
	VaCA § 54.1-204	Applicants for registration, licensure, or certification for professions and occupations regulated by the Department of Professional and Occupational Regulation
Washington	WaRC §§ 74.15.030, 43.20A.710, 43.43.837, 26.44, 74.39a.055	Department of Social and Health Services Licensing/Provider, the emergency placement of children, and employees as long-term care workers for the elderly or persons with disabilities.
	WaRC § 71.09	Employees of the Special Commitment Center, of the Washington State Department of Social and Health Services
	WaRC Ch. 46.82	Driver training instructors
	WaRC 79A.05.030	Parks and Recreation Commission Job applicants, volunteers, and independent contractors: A. having supervised access to children or vulnerable adults, or B. responsible for collecting or disbursing cash or processing credit/debit card transactions.
	WaRC 43.215	Department of Early Learning (DEL) applicants for an agency license, licensees, employees, and other persons with unsupervised access to children in care.
	WARS 35.61.130	Metropolitan Park District job applicants, volunteers, and independent contractors by resolution of each metropolitan park district

State	State Statute	Category of Positions Addressed
	WARS 74.18	Employees or contractors for the Department of Services for the Blind
	WaRC § 18.130	Applicants for license as health care providers through the Washington State Department of Health
West Virginia	WVC § 49-2B-8	Child-welfare agencies, child-care applicants, including child-placement agencies, child care facilities, day-care centers, and family day-cares
	SB 299, § 64-9-13 (b) & WV Leg. R § 10-2-1 through 10-2-14	Licensed Practical Nurse
	Rule 143CSR4	Department of Personnel applicants for classified state employment or within a county health department
	WVC § 16-4C-8	Emergency Medical Service Personnel
Wisconsin	WiSA 343.12	School Bus Operators
	WiSA § 440.03[13][b] and [c]	Department of Regulation & Licensing Applicant or licensee
Wyoming	WyS § 7-19-201	Department of Family Services and Dept. of Health A. Employees who may have access to minors, persons suffering mental illness or developmental disabilities, or the elderly B. Contractors providing specialized home care or respite care of minors.
	WyS § 7-19-201	State institution employees who may have access to minors, persons suffering mental illness or developmental disabilities or the elderly
	WyS § 7-19-201	Physical Therapist licensure or certification
	WyS § 7-19--201	Optometry Licenses applicants.