

State of Tennessee

PUBLIC CHAPTER NO. 71

SENATE BILL NO. 789

By Johnson, Bowling

Substituted for: House Bill No. 933

By Lamberth, Gant, Littleton, Kumar, White, Jernigan, Crawford, Hardaway, Ogles, Powell, Chism, Whitson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 12, relative to criminal history investigations of department of human services employees and contractors with access to individuals with disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 12, is amended by adding the following language as a new section:

4-3-1208.

(a) The department is authorized, in accordance with 34 U.S.C. § 40102(a)(1), to obtain state and national criminal history background checks and investigations performed by the Tennessee bureau of investigation and the federal bureau of investigation on employees and contractors of the department of human services division of rehabilitation services who are likely to have access to individuals with disabilities.

(b) An employee of the department of human services division of rehabilitation services who is likely to have access to individuals with disabilities must:

(1) Agree to the release of all investigative records to the state for the purpose of verifying criminal history information; and

(2) Supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the Tennessee bureau of investigation and a national criminal history background check and investigation to be conducted by the federal bureau of investigation.

(c) A person who is contracted with the department of human services division of rehabilitation services or employed by or subcontracted with a company that is contracted with the department of human services division of rehabilitation services who is likely to have access to individuals with disabilities must:

(1) Agree to the release of all investigative records to their employer or the state for the purpose of verifying criminal history information; and

(2)(A) Supply a fingerprint sample and submit to a state criminal history background check and investigation to be conducted by the Tennessee bureau of investigation and a national criminal history background check and investigation to be conducted by the federal bureau of investigation; or

(B) Release information for a criminal background investigation by a state-licensed private investigation company.

(d) The department may require a person or entity contracting with the department to pay the costs associated with the background investigations of all employees of the contractor, which may be a condition of the contract with the department. If the background

check is conducted by the Tennessee bureau of investigation or the federal bureau of investigation, the payment of the costs shall be made in accordance with § 38-6-103.

(e) The department is authorized to promulgate rules regarding the implementation and use of the background checks and investigations conducted pursuant to this section. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 4-3-1205(a), is amended by deleting the language "4-3-1207" and substituting instead the language "4-3-1208".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.


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PASSED: March 18, 2019


RANDY McNALLY
SPEAKER OF THE SENATE


GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of March 2019


BILL LEE, GOVERNOR