SPONSOR: Rep. K. Williams

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 206

AMEND House Substitute No. 1 for House Bill No. 206 by deleting lines 18 through 21 in their entirety.

FURTHER AMEND House Substitute No. 1 for House Bill No. 206 by deleting lines 30 through 47 and substituting in lieu thereof the following:

"(5) "Disqualifying criminal conviction" means those convictions set forth in § 309(d)(1) of Title 31 and the length of prohibition is the same as that set forth under that paragraph."

FURTHER AMEND House Substitute No. 1 for House Bill No. 206 on lines 53 and 54 by deleting "An employee, contractor, or volunteer who provides childcare services at a facility as referred to under § 309 (b)(4)b of Title 31, is exempt from the requirements of this subchapter."

FURTHER AMEND House Substitute No. 1 for House Bill No. 206 by inserting after line 76 and before line 77 the following:

(h) The State Bureau of Identification shall provide the criminal background information and the DSCYF shall provide the Child Protection Registry check information required by this section to the individual and the employer or prospective employer, unless the Department requires that background checks required under this section be processed through the Background Check Center pursuant to § 7972 of this title. The State Bureau of Identification and the Delaware Justice Information System shall provide all subsequent Delaware criminal history of any individual subject to a background check under this section to the employer or prospective employer. If the "Rap Back System" as defined by § 8502 of Title 11 is available to SBI, SBI shall provide all subsequent criminal history record information available through the Rap Back System to the employer or prospective employer.

FURTHER AMEND House Substitute No. 1 for House Bill No. 206 by deleting lines 80 through 81 and inserting in lieu thereof the following:

§ 7972. Background Check Center.

(f) (1) The Department may require all employees, contractors, and volunteers who are required to secure a background check under § 7999 of this title to process all background checks through the BCC.

(2) If the Department requires use of the BCC under paragraph (f)(1) of this section, the State Bureau of Identification shall provide the criminal background information and the Department of Services for Children, Youth and Their Families shall provide the Child Protection Registry check information to the individual and to the BCC for any background check required by § 7999 of this title.

(3) If the Department requires use of the BCC under paragraph (f)(1) of this section, The State Bureau of Identification and the Delaware Justice Information System shall provide all subsequent Delaware criminal history of any individual subject to a background check under this section to the BCC. If the "Rap Back System" as defined by § 8502 of Title 11 is available to SBI, SBI shall provide all subsequent criminal history record information available through the Rap Back System to the BCC.

SYNOPSIS

This amendment strikes a provision relating to sharing of background checks that is contrary to other law. It aso strikes the list of disqualifying convictions from this subchapter and instead cross-references the list of convictions and associated length of prohibition contained in Title 31 for child-serving entities, to promote uniformity. It strikes a provision relating to the exemption of residential child-care from this subchapter because it is duplicative of § 7998(d)'s general exemption of those required to complete a background check under some other provision of law.

Finally the bill provides authorizing language for SBI and DSCYF to provide the required background check and child protection registry information to the appropriate entities to effectuate this Act.