



SPONSOR: Rep. Mulrooney & Sen. Marshall
Reps. Brady, J. Johnson, Kowalko, Osienki

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 407

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT INSURANCE.

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

1 Section 1. Amend § 3307, Title 19 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3307. Required employee background checks.

4 (a) All prospective employees, contractors, and any subcontractors thereof, of the Department who will have
5 access to federal tax information shall obtain a background check as provided in subsection (c) in order to be considered for
6 employment to ensure compliance by the Department with § 6103(p)(4) of the Internal Revenue Code of 1986 (26 U.S.C. §
7 6103(p)(4)) and Internal Revenue Service Publication 1075 and any successor statutory provisions or Internal Revenue
8 Service publications.

9 (b) All current employees, contractors, and any subcontractors thereof, of the Department who have access to
10 federal tax information shall be required to submit to an initial and subsequent background checks as provided in subsection
11 (c) not less frequently than once every 10 years to ensure compliance by the Department with Internal Revenue Service
12 Publication 1075 and any successor Internal Revenue Service publications.

13 (c) A person required to obtain a background check under this chapter shall submit fingerprints and other
14 necessary information to the State Bureau of Identification in order to obtain all of the following:

15 (1) A report of the person's entire criminal history record from the State Bureau of Identification or a
16 statement that the State Bureau of Identification Central Repository contains no such information relating to that
17 person.

18 (2) A report of the person's entire federal criminal history record from the Federal Bureau of Investigation
19 pursuant to Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 (28 U.S.C. § 534) or a
20 statement that the Federal Bureau of Investigation's records contain no such information relating to that person.

21 (d) The State Bureau of Identification shall be the intermediary for the purpose of subsection (c) of this section and
22 shall forward all information required by subsections (a) and (b) of this section to the Department.

23 (e) The Department may adopt such standards for screening the background checks required by this section as the
24 Department shall determine appropriate.

25 Section 2. If any provision of this Act, or any application of such provision to any person or circumstance, is held
26 to be unconstitutional, the remainder of this Act and the application of this Act to any other person or circumstance shall
27 not be affected.

SYNOPSIS

 This Act provides that all current employees, prospective employees, contractors and subcontractors of the Department of Labor with access to federal tax information shall be subject to appropriate background checks to ensure that the Department of Labor complies with obligations imposed by § 6103(p)(4) of the Internal Revenue Code and by the Internal Revenue Service in Publication 1075.