

LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 383  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE SUBSTITUTE NO. 1  
FOR  
HOUSE BILL NO. 304  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF TECHNOLOGY AND INFORMATION AND CRIMINAL BACKGROUND CHECKS.

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

Section 1. Amend Subchapter I, Chapter 90C, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9016G. Criminal background checks.

(a) The following individuals must submit to a criminal background check:

(1) Individuals who have received a conditional offer of employment with the Department.

(2) Any contractor or third party that requires access to Department systems, facilities, or data. For the purposes of this section, "third party" shall not include a user as defined by § 9017C(8) of this chapter.

(b) Individuals submitting to a background check must provide fingerprints and other necessary information to the State Bureau of Identification so that the Department may obtain the following:

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

(2) A report of the individual's entire federal criminal history record information from the Federal Bureau of Investigation or a statement that the Federal Bureau of Investigation's records contain no such information relating to that individual.

(c) The State Bureau of Identification shall forward all information obtained under subsection (b) of this section to the Department.

(d) The Department has the right to review every criminal background check obtained under this subchapter and make its own determination of the individual's qualification for employment or access to Department systems, facilities, or data. The Department may conditionally hire an employee, contractor, or volunteer, or grant access to a contractor or third party covered by this subchapter who has been fingerprinted pending the determination of the individual's qualification for employment or access to Department systems, facilities, or data. If the Department determines that an individual has a disqualifying criminal conviction, the individual may not continue employment or have access to Department systems, facilities, or data.

(e) If a current employee or a contractor actively engaged with the Department obtains a background check under this section, the State Bureau of Identification shall provide all of the following to the Department:

(1) Any subsequent state criminal history record information of the individual.

(2) Any subsequent criminal history record information of the individual available through the Rap Back System as defined under § 8502 of Title 11, if the Rap Back System is available.

Approved August 29, 2024