

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 254  
153rd GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 67

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE BACKGROUND CHECK CENTER.

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

Section 1. Amend § 1141, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) *Definitions.* —

As used in this subchapter:

(1) “Applicant” means any of the following:

a. A person seeking employment in a facility.

b. ~~A current employee of a facility who seeks a promotion in the facility. [Repealed.]~~

c. A self-employed person or a person employed by an agency for work in a facility.

d. A current employee of a facility or a person as defined in paragraph (b)(1)c. of this section who the Department has a reasonable basis to suspect has been arrested for a disqualifying crime since becoming employed or commencing work.

e. A former employee who consents prior to leaving employment to periodic review of the former employee’s criminal background for a fixed time period.

(c) An employer may not employ an applicant for work in a facility before obtaining a criminal history. The criminal history of any person not employed directly by the facility must be provided to the facility upon the person’s commencement of work. An applicant’s criminal history report obtained through the BCC’s criminal history screening process is valid for any prospective employer for a period of 1 year from the date of the applicant’s last fingerprinting.

(m) The Department shall promulgate regulations regarding all of the following:

(1) The criteria it uses to determine unsuitability for employment.

(2) The policies and procedures for preparing the criminal history which govern the frequency of criminal record review and updating.

(3) ~~The frequency with which fingerprints must be obtained. [Repealed.]~~

(4) The information that the Department provides in the criminal history about disqualifying and nondisqualifying criminal convictions.

(5) The methods for notifying applicants and employers of the results of the Department’s review, and for providing applicants with the criminal history.

(6) The administrative review process available to a person desiring to contest adverse information.

(7) Other provisions required to achieve the purpose of this section.

Section 1. Amend § 1145, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1145. Criminal background checks.

(b) *Definitions.* —

(1) “Applicant” means any of the following:

a. A person seeking employment with an employer.

b. ~~A current employee who seeks a promotion from an employer. [Repealed.]~~

c. A self-employed person seeking employment in a private residence for the purpose of providing services to protect the health, safety, and well-being of an individual who requires home health-care service as defined in § 122(3)m, § 122(3)o., or § 122(3)x. of this title.

d. A current employee of an employer who the Department has a reasonable basis to suspect has been arrested for a disqualifying crime since becoming employed.

e. A former employee who consents prior to leaving employment to periodic review of the former employee's criminal background for a fixed time period.

(c) An employer may not employ an applicant for work in a private residence before obtaining a criminal history. Upon request, the criminal history must be provided to the person for whom the services are to be provided, or to the person's authorized representative upon the applicant's commencement of work. An applicant's criminal history report obtained through the BCC's criminal history screening process is valid for any prospective employer for a period of 1 year from the date of the applicant's last fingerprinting.

(n) The Department shall promulgate regulations regarding all of the following:

(1) The criteria it uses to determine unsuitability for employment.

(2) The policies and procedures for preparing the criminal history which govern the frequency of criminal record review and updating.

(3) ~~The frequency with which fingerprints must be obtained.~~ [Repealed].

(4) The information that the Department provides in the criminal history about disqualifying and nondisqualifying criminal convictions.

(5) The methods for notifying applicants and employers of the results of the Department's review, and for providing applicants with the criminal history.

(6) The administrative review process available to a person desiring to contest adverse information.

(7) Other provisions required to achieve the purpose of this section.

Approved May 14, 2026