

LAWS OF DELAWARE  
VOLUME 85  
CHAPTER 265  
153rd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 304

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE AUDITOR OF ACCOUNTS AND BACKGROUND CHECKS.

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

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

§ 2911. Criminal background checks.

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

(1) Current employees of the Office of Auditor of Accounts.

(2) Individuals conditionally offered employment with the Office of Auditor of Accounts.

(3) Any current or prospective contractor of the Office of Auditor of Accounts that requires or may require access to State systems, facilities, or data that the Auditor or the Auditor's designee has identified as requiring a background check.

(b) Individuals required to obtain a background check under this section must submit fingerprints and other necessary information to the State Bureau of Identification in order to obtain a Delaware and national criminal history background check. The following reports must be obtained:

(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 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 information relating to that individual.

(c) The State Bureau of Identification must forward all information obtained under paragraphs (b)(1) and (b)(2) of this section to the Auditor or the Auditor's designee.

(d) If a current employee or current contractor obtains a background check under this section, the State Bureau of Identification must provide all of the following to the Auditor or the Auditor's designee:

(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.

(e) The Auditor or the Auditor's designee has the right to review and use criminal background information obtained under this section to the extent permitted by applicable law, including in determining an individual's qualification for employment or continued access to State systems, facilities, or data.

(f) Current employees and contractors of the Office of Auditor of Accounts must submit the information required by subsection (b) of this section to the State Bureau of Identification no later than 30 days after receipt of the Auditor's or designee's written request to submit to a background check.

(g) All costs associated with a criminal background check under this section must be paid by the Office of Auditor of Accounts.

Approved May 21, 2026