- 1 HB193
- 2 181906-6
- 3 By Representatives South, Fridy, Ledbetter, Rowe, Weaver and
- 4 Harper
- 5 RFD: Public Safety and Homeland Security
- 6 First Read: 14-FEB-17

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| 3 | | | | |
| 4 | | | А | BILL |
| 5 | | ΤО | BE | ENTITLE |

6 AN ACT

To authorize state departments and agencies with access to federal tax information to process Bureau history checks on employees and contractors through the procedures of the Alabama Law Enforcement Agency; to provide for the authorization of a fee; to authorize the establishment of agency policy.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the requirements of Public
Law 92-544, the states may conduct a nationwide criminal
history background check on state employees and contractors
for the purpose of determining whether an employee or
contractor who has access to federal tax information has been
convicted of a crime that would warrant denying the employee
or contractor access to the federal tax information. For the
purposes of this statute, federal tax information includes tax
return or tax return information received directly from the
Internal Revenue Service or obtained through an authorized
secondary source. An authorized secondary source shall not
include official court records maintained by the Alabama
Administrative Office of Courts. A state department or agency

shall require each applicant for a position of employment with the department or agency and all current employees and contractors of the department or agency who have access to federal tax information to (1) state in writing whether such applicant, employee or contractor has ever been convicted of a crime or whether criminal charges are pending against such applicant, employee or contractor and, if so, to identify the charges and court in which such charges are pending, and (2) be fingerprinted and submit to state and national criminal history records checks.

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(a) State and national criminal history records checks shall be requested by the department or agency from the Alabama Law Enforcement Agency (hereinafter ALEA) and shall be applicable to the individual identified in the request. The department or agency shall arrange for the fingerprinting of the individual or for conducting any other method of positive identification required by ALEA. The request shall also specify whether a national criminal history records check is requested by the Federal Bureau of Investigation on the specified individual in addition to a state criminal history records check. ALEA shall submit the fingerprints or other positive identifying information to the Federal Bureau of Investigation for a national criminal history records check when requested by a department or agency. The results of the state and national criminal history records checks shall be returned to the department or agency by ALEA.

- (b) Any criminal history reports received by a

 department or agency from ALEA shall be marked confidential

 and shall not be disclosed or made available for public

 inspection. All criminal history reports received pursuant to

 this section are specifically excluded from any requirement of

 public disclosure as a public record.
 - (c) The Secretary of ALEA may charge fees to a department or agency for conducting state and national criminal history records checks.

(d) In conjunction with making criminal history records checks, each department or agency with access to federal tax information shall establish a policy in determining which criminal elements would result in preventing or removing an employee's or contractor's access to federal tax information in the hands of the department or agency.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or upon its otherwise becoming law.

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| 3 | House of Representatives | | | | | |
| 4 5 6 7 | Read for the first time and referred to the House of Representatives committee on Public Safety and Homeland Security | | | | | |
| 8 9 10 11 | Read for the second time and placed on the calendar 1 amendment 23-FEB-17 | | | | | |
| 12 13 14 | Read for the third time and passed as amended | | | | | |
| 15 16 17 18 | Jeff Woodard Clerk | | | | | |