

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

8 SYNOPSIS: In order to continue receiving federal tax
9 information from the Internal Revenue Service, the
10 Service's guidelines now require that state
11 departments conduct criminal history records checks
12 by the Federal Bureau of Investigation on state
13 employees and contractors who have access to
14 federal tax information. Pursuant to the
15 requirements of Public Law 92-544, states must
16 authorize criminal history records checks by the
17 Bureau on employees or contractors through
18 legislation.

19 This bill will authorize state departments
20 and agencies to process Bureau history checks on
21 employees and contractors through the procedures of
22 the Alabama Law Enforcement Agency.
23

24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

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

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Pursuant to the requirements of Public
9 Law 92-544, the states may conduct a nationwide criminal
10 history background check on state employees and contractors
11 for the purpose of determining whether an employee or
12 contractor who has access to federal tax information has been
13 convicted of a crime that would warrant denying the employee
14 or contractor access to the federal tax information. For the
15 purposes of this statute, federal tax information includes tax
16 return or tax return information received directly from the
17 Internal Revenue Service or obtained through an authorized
18 secondary source. A state department or agency shall require
19 each applicant for a position of employment with the
20 department or agency and all current employees and contractors
21 of the department or agency who have access to federal tax
22 information to (1) state in writing whether such applicant,
23 employee or contractor has ever been convicted of a crime or
24 whether criminal charges are pending against such applicant,
25 employee or contractor and, if so, to identify the charges and
26 court in which such charges are pending, and (2) be

1 fingerprinted and submit to state and national criminal
2 history records checks.

3 (a) State and national criminal history records
4 checks shall be requested by the department or agency from the
5 Alabama Law Enforcement Agency (hereinafter ALEA) and shall be
6 applicable to the individual identified in the request. The
7 department or agency shall arrange for the fingerprinting of
8 the individual or for conducting any other method of positive
9 identification required by ALEA. The request shall also
10 specify whether a national criminal history records check is
11 requested by the Federal Bureau of Investigation on the
12 specified individual in addition to a state criminal history
13 records check. ALEA shall submit the fingerprints or other
14 positive identifying information to the Federal Bureau of
15 Investigation for a national criminal history records check
16 when requested by a department or agency. The results of the
17 state and national criminal history records checks shall be
18 returned to the department or agency by ALEA.

19 (b) Any criminal history reports received by a
20 department or agency from ALEA shall be marked confidential
21 and shall not be disclosed or made available for public
22 inspection. All criminal history reports are specifically
23 excluded from any requirement of public disclosure as a public
24 record.

25 (c) The Secretary of ALEA may charge fees to a
26 department or agency for conducting state and national
27 criminal history records checks.

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

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