

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2238

Introduced by

Senators Hogan, Braunberger, Kreun, Weber

Representative Mitskog

1 A BILL for an Act to ~~amend and reenact section 50-11.1-06.2 of the North Dakota Century Code,~~
2 ~~relating to criminal history record checks for early childhood services providers; and to provide~~
3 for a legislative management study of the statewide criminal history record check process.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 ~~— **SECTION 1. AMENDMENT.** Section 50-11.1-06.2 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~— **50-11.1-06.2. Background investigations -- Fees.**~~

8 ~~— 1. Upon a determination by the department a criminal history record check is appropriate,~~
9 ~~the following individuals are to shall obtain two sets of the individual's fingerprints from~~
10 ~~a law enforcement agency or other local agency authorized to take fingerprints:~~

11 ~~— a. A provider holding or an applicant for early childhood services licensure,~~
12 ~~self-declaration, or in-home provider registration;~~

13 ~~— b. Emergency designees and staff members of providers holding and applicants for~~
14 ~~early childhood services licensure, self-declaration, or in-home provider~~
15 ~~registration; and~~

16 ~~— c. Household members of a residence out of which early childhood services are~~
17 ~~provided.~~

18 ~~— 2. The department shall ensure access to fingerprinting is readily available for an~~
19 ~~individual who is required to obtain fingerprinting under subsection 1. For purposes of~~
20 ~~this subsection, "readily available" means the department will maintain no fewer than~~
21 ~~twenty-one staffed fingerprinting stations across the state, aligning locations to~~
22 ~~demand and within forty-eight hours of an individual scheduling a request. The~~
23 ~~individual shall request the agency to submit the fingerprints and a completed~~
24 ~~fingerprint card for each set to the division of children and family services of the~~

1 ~~department or to the department's authorized agent. The authorized fingerprinting~~
2 ~~agency shall submit the completed fingerprints within twenty-four hours of taking the~~
3 ~~individual's fingerprints.~~

4 ~~3. If the division has no record of a determination of services required for child abuse or~~
5 ~~neglect, the division shall submit the fingerprints to the bureau of criminal investigation~~
6 ~~to determine if there is any criminal history record information regarding the applicant,~~
7 ~~household members, or staff members in accordance with section 12-60-24.~~

8 ~~4. The results of the investigations must be forwarded to the division of children and~~
9 ~~family services of the department or to the department's authorized agent.~~

10 ~~5. The division may charge a fee not to exceed thirty dollars for the purpose of~~
11 ~~processing to process the application.~~

12 ~~6. The division is not subject to the fee imposed under section 12-60-16.9 when~~
13 ~~requesting criminal history record information from the bureau of criminal investigation.~~

14 ~~7. An agency that takes fingerprints as provided under this section may charge a~~
15 ~~reasonable fee to offset the costs of the fingerprinting.~~

16 ~~8. The department may use background investigation findings to determine approval,~~
17 ~~denial, or revocation of an early childhood services license, self-declaration, or~~
18 ~~in-home registration.~~

19 ~~9. AnyAn individual who is providing early childhood services solely for the provider's~~
20 ~~own children, grandchildren, nieces, nephews, and cousins as an in-home provider~~
21 ~~may not be required to submit to a criminal history record check authorized under~~
22 ~~section 50-06-01.9 if the individual is providing early childhood services solely for the~~
23 ~~provider's children, grandchildren, nieces, nephews, or cousins as an in-home~~
24 ~~provider.~~

25 ~~10. Unless an individual was separated from childcare employment for more than one~~
26 ~~hundred eighty days, a criminal history record check conducted under this section and~~
27 ~~subsection 3 of section 50-06-01.9 is valid for five years, after before which the~~
28 ~~department shall require another criminal history record check.~~

29 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CRIMINAL HISTORY RECORD**
30 **CHECK PROCESS.** During the 2023-24 interim, the legislative management shall ~~consider-~~
31 ~~studying~~ study the statewide criminal history record check process. The study may include a

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1 comparison between the statewide and nationwide criminal history record check standards, a
2 review of the average processing time of a requested criminal history record check, and an
3 evaluation of methods to improve efficiency and processing times of the statewide criminal
4 history record check process. The legislative management shall report its findings and
5 recommendations, together with any legislation required to implement the recommendations, to
6 the sixty-ninth legislative assembly.