

By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan and others relative to background checks by the Department of Youth Services. Children, Families and Persons with Disabilities.

HD4282

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES,

October 23, 2017.

Referred, under Rule 24, to the committee on Rules and the committees on Rules of the two branches, acting concurrently, the question being on suspension of Joint Rule 12.

Stewart T. James, Clerk.

JAN 02 2018

Committee on Rules and committees on Rules of the two branches, acting concurrently reported recommending that Joint Rule 12 be suspended, rules suspended

JOINT RULE 12 SUSPENDED.

Referred to the committee on

CHILDREN, FAMILIES AND PERSONS WITH DISABILITIES.

Sent to the Senate for concurrence.

Stewart T. James, Clerk.

SENATE,

JAN - 5 2018

The Senate concurs.

William F. Welch, Clerk.

The Commonwealth of Massachusetts

JAN 02 2018

House of Representatives, HD 4282

The committee on Rules and the committees on Rules of the two branches, acting concurrently, to whom was referred, under Rule 24, the House petition of

REPORT recommending that Joint Rule 12 and ~~7A-7B-9~~
be suspended with reference thereto.

..... William C. Galvin

For the Committees.

HOUSE No. 4104

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to background checks by the Department of Youth Services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>

The Commonwealth of Massachusetts

House of Representatives, March 26, 2018

The committee on Children, Families and Persons with Disabilities
to whom was referred the petition (accompanied by bill, House No. 4104)

~~By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan and others relative to background checks by the Department of Youth Services, Children, Families and Persons with Disabilities~~

REPORT recommending that the bill ~~resolve~~ accompanying said petition
ought to pass.

Kay Khan

For the Committee.

Kay Khan

HOUSE No. 4104

By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan and others relative to background checks by the Department of Youth Services. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to background checks by the Department of Youth Services.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 15D of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by inserting after the word "program", in lines 38 and 41, in
3 each instance, the following words:- other than programs operated by the department of youth
4 services.

5 SECTION 2. Chapter 18A of the General Laws is hereby amended by inserting after
6 section 8 the following section:-

7 Section 8A. (a) Each current or prospective department employee, intern, volunteer or
8 subcontractor providing residential or support services with the potential for unsupervised
9 contact with youths committed to the care or custody of the department shall be subject to a
10 background check that shall include: (i) a fingerprint-based check of the state and national
11 criminal history databases pursuant to Public Law 92-544; (ii) a criminal offender record
12 information check pursuant to section 172 of chapter 6; (iii) a check for supported findings of

13 abuse or neglect pursuant to section 51B of chapter 119; (iv) a sex offender registry information
14 check pursuant to section 178K of chapter said 6; and (v) where relevant to the employee's
15 duties, a registry of motor vehicles information check.

16 (b) Fingerprints shall be submitted to the identification section of the department of state
17 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for
18 a national criminal history check, according to the policies and procedures established by the
19 identification section and by the department of criminal justice information services. Fingerprint
20 submissions may be retained by the Federal Bureau of Investigation, the identification section
21 and the department of criminal justice information services to assist the department in its review
22 of suitability for initial or continued employment, licensure, certification or approval. The
23 department of criminal justice information services may disseminate the results of a state and
24 national criminal history check to authorized staff of the department to determine the suitability
25 of current and prospective employees who have the potential for unsupervised contact with
26 youths committed to the care or custody of the department and subcontractors, interns,
27 volunteers or other individuals employed or retained by the department who have the potential
28 for unsupervised contact with youths committed to the care or custody of the department.

29 Notwithstanding subsections 9 and 9½ of section 4 of chapter 151B, if the department
30 receives information from a fingerprint-based check that does not include a final disposition or is
31 otherwise incomplete, the department may request that an applicant, including new and renewing
32 applicants, provide additional information to assist the department in determining the suitability
33 of the individual for licensure, certification, approval, funding or employment.

34 (c) The department of criminal justice information services shall disseminate the results
35 of the criminal background check to authorized staff of the department. The department of
36 criminal justice information services shall only disseminate information under this section that
37 would otherwise be available to the department by law. When the department receives the results
38 of the national criminal background checks, it shall treat the information according to the
39 department's background check procedures regarding criminal offender record information.

40 (d) A person required to submit fingerprints under this section including, but not limited
41 to, current and prospective employees, interns, subcontractors and volunteers in a department
42 program who have the potential for unsupervised contact with youth committed to the care or
43 custody of the department, may be charged a fee to be established by the secretary of
44 administration and finance, in consultation with the secretary of public safety and the
45 commissioner of youth services, to offset the costs of operating and administering a fingerprint
46 based criminal background check system. The fee shall not exceed \$45 per person. The secretary
47 of administration and finance, in consultation with the secretary of public safety and the
48 commissioner of youth services, may increase the fee accordingly if the Federal Bureau of
49 Investigation increases its fingerprint background check service fee. The department may
50 reimburse employees and applicants for employment, internship or volunteer positions, for all or
51 part of the fee. Fees collected from fingerprinting activity under this chapter shall be deposited
52 into the Fingerprint-Based Background Check Trust Fund established in section 2HHHH of
53 chapter 29.

54 (e) The department shall promulgate regulations necessary to carry out this section.

H 5008

EMERGENCY PREAMBLE

(Adopted, House December 31, 2018 (8-0)
(Adopted, Senate December 31, 2018 (2-0))

AN ACT RELATIVE TO BACKGROUND CHECKS BY THE DEPARTMENT OF YOUTH SERVICES.

This Act originated in the House Steven V. James, Clerk.

House of Representatives, December 31, 2018.

Rightly and Truly Prepared for Final Passage.

Contains an *Emergency Preamble*.

Steven V. James, House Clerk.

In Senate, December 31, 2018.

Rightly and Truly Prepared for Final Passage.

Contains an *Emergency Preamble*.

William F. Welch, Senate Clerk.

Laid before the Governor December 31, 2018.

SECRETARY OF STATE
2019 JAN 10 PM 12:32

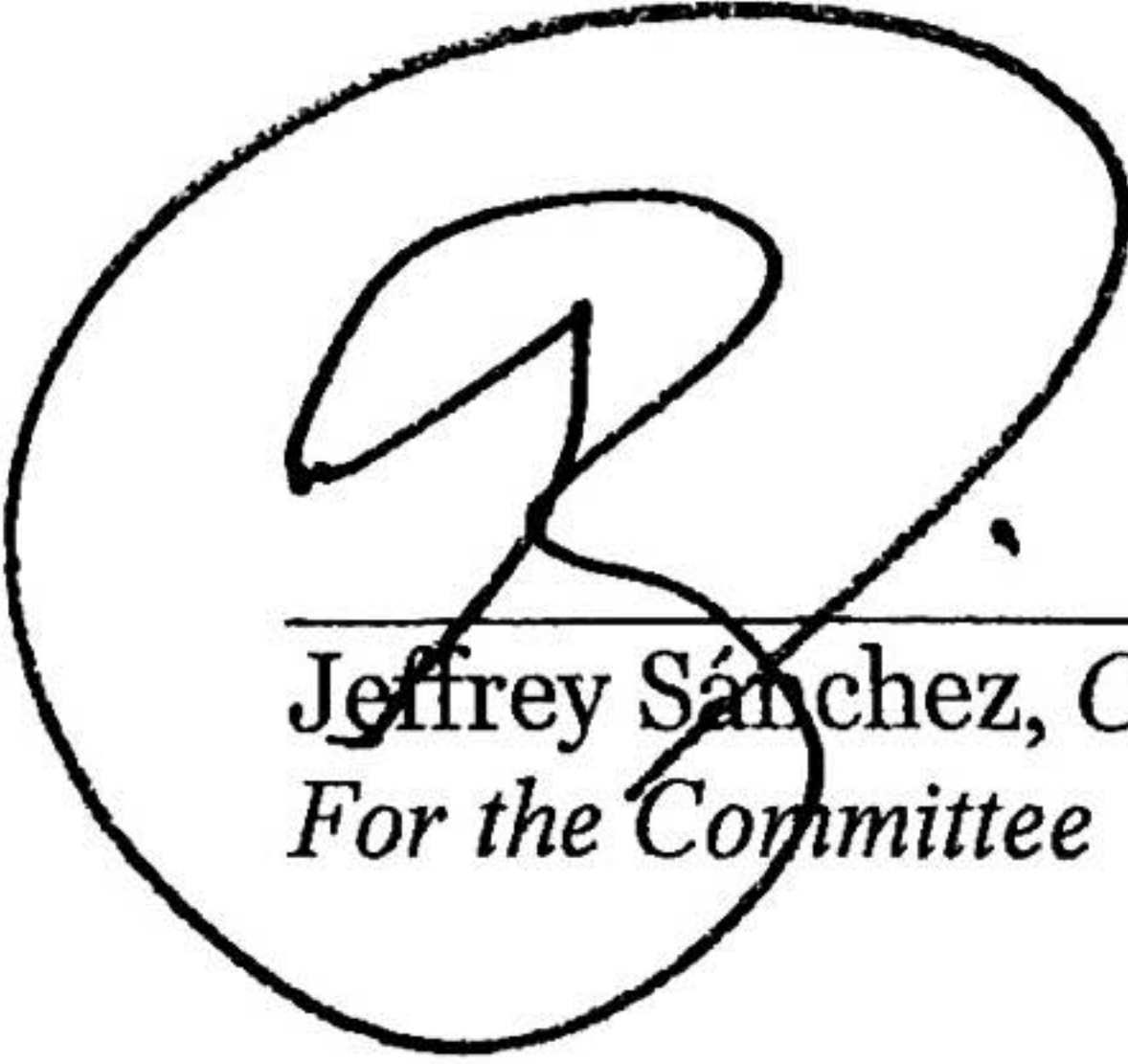
The Commonwealth of Massachusetts

House of Representatives, December 20, 2018

*The committee on **WAYS AND MEANS**, to whom was referred the*

Bill relative to background checks by the Department of Youth Services (House, No. 4104)

REPORT *recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5008).* (S+)



Jeffrey Sanchez, Chairman
For the Committee

HOUSE No. 5008

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to background checks by the Department of Youth Services.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to require forthwith background checks for certain persons who have contact with children in the custody of the department of youth services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 ~~SECTION 1~~ Chapter 18A of the General Laws is hereby amended by adding the
2 following section:-

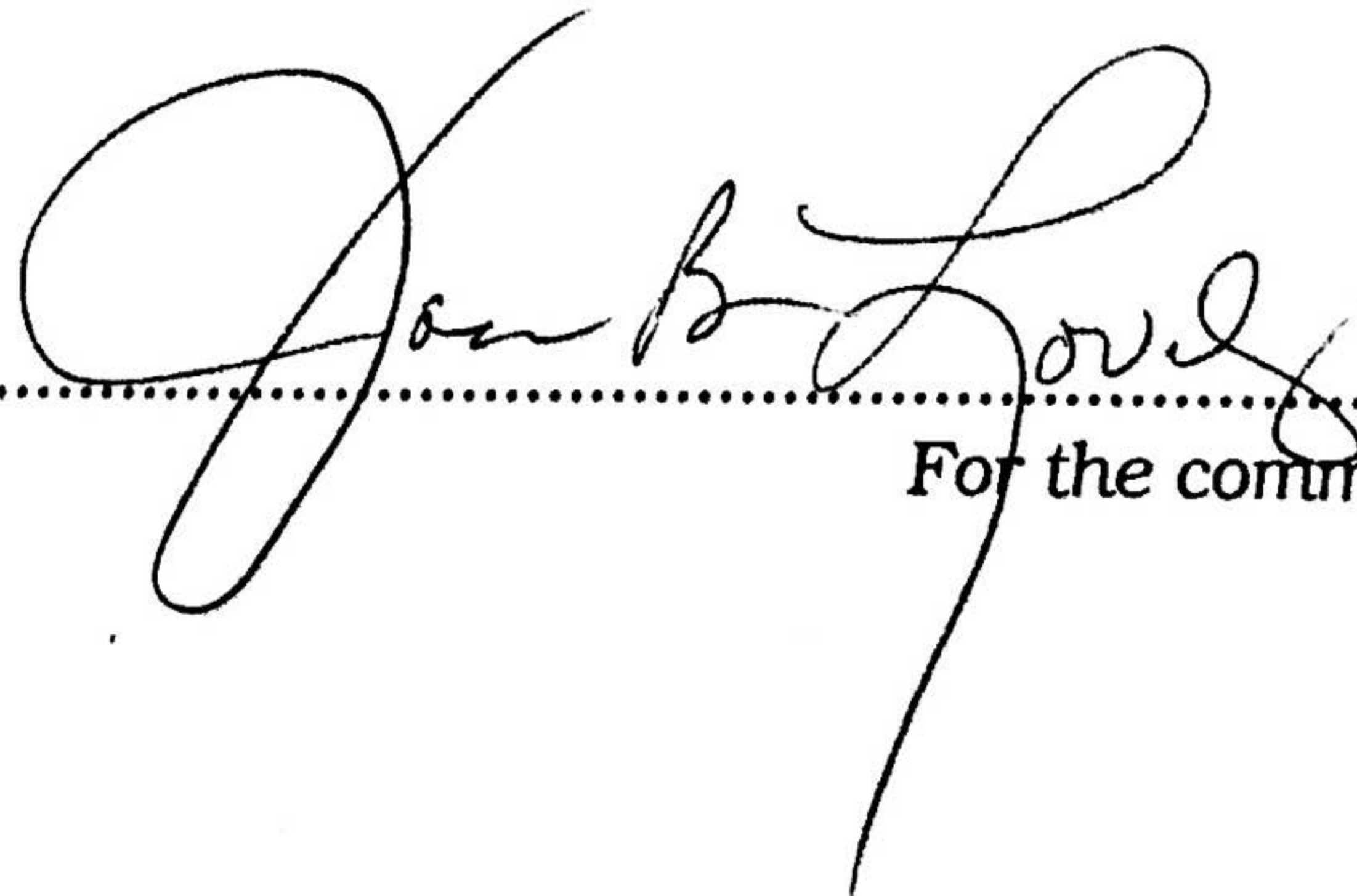
3 Section 10. (a) All current or prospective department employees, interns, volunteers or
4 subcontractors providing residential or support services with the potential for unsupervised
5 contact with youths committed to the care or custody of the department shall be subject to a
6 background check that shall include: (i) a fingerprint-based check of the state and national
7 criminal history databases pursuant to Public Law 92-544; (ii) a criminal offender record
8 information check pursuant to section 172 of chapter 6; (iii) a check for supported findings of
9 abuse or neglect pursuant to section 51B and 51E of chapter 119; (iv) a sex offender registry
10 information check pursuant to section 178K of chapter ~~said~~ 6; and (v) where relevant to the
11 employee's duties, a registry of motor vehicles information check.

The Commonwealth of Massachusetts

Senate, December 31, 2018..... 19 .

The committee on Ways and Means, to whom was committed the
House Bill relative to background checks by the Department of Youth Services (House, No.
5008),

REPORT recommending that the same ought ~~XXX~~to pass.


.....
For the committee.

35 of the national criminal background checks, it shall treat the information according to the
36 department's background check procedures regarding criminal offender record information.

37 (d) A person required to submit fingerprints under this section including, but not limited
38 to, current and prospective employees, interns, subcontractors and volunteers in a department
39 program who have the potential for unsupervised contact with youth referred or committed to the
40 care or custody of the department, may be charged a fee to be established by the secretary of
41 administration and finance, in consultation with the secretary of public safety and the
42 commissioner of youth services, to offset the costs of operating and administering a fingerprint
43 based criminal background check system. The fee shall not ^{be more than} exceed \$45 per person. The secretary
44 of administration and finance, in consultation with the secretary of public safety and the
45 commissioner of youth services, may increase the fee accordingly if the Federal Bureau of
46 Investigation increases its fingerprint background check service fee. The department may
47 reimburse employees and applicants for employment, internship or volunteer positions, for all or
48 a portion of the fee. Fees collected from fingerprinting activity under this chapter shall be
49 deposited into the Fingerprint-Based Background Check Trust Fund established in section
50 2HHHH of chapter 29.

51 (e) The department shall promulgate regulations necessary to carry out this section.

12 (b) Fingerprints shall be submitted to the identification section of the department of state
13 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for
14 a national criminal history check, pursuant to the policies and procedures established by the
15 identification section of the department of state police and the department of criminal justice
16 information services. Fingerprint submissions may be retained by the Federal Bureau of
17 Investigation, the identification section of the department of state police and the department of
18 criminal justice information services to assist the department in its review of suitability for initial
19 or continued employment, licensure, certification or approval. The department of criminal justice
20 information services may disseminate the results of a state and national criminal history check to
21 authorized staff of the department to determine the suitability of current and prospective
22 employees who have the potential for unsupervised contact with youths referred or committed to
23 the care or custody of the department and subcontractors, interns, volunteers or other individuals
24 employed or retained by the department who have the potential for unsupervised contact with
25 youths referred or committed to the care or custody of the department.

26 Notwithstanding subsections 9 and 9½ of section 4 of chapter 151B, if the department
27 receives information from a fingerprint-based check that does not include a final disposition or is
28 otherwise incomplete, the department may request that an applicant, including new and renewing
29 applicants, provide additional information to assist the department in determining the suitability
30 of the individual for licensure, certification, approval, funding or employment.

31 (c) The department of criminal justice information services shall disseminate the results
32 of the criminal background check to authorized staff of the department. The department of
33 criminal justice information services shall only disseminate information under this section that
34 would otherwise be available to the department by law. When the department receives the results

House, No. 5008

DEC 31 2018 - *of*

**RELATIVE TO BACKGROUND
CHECKS BY THE DEPARTMENT OF
YOUTH SERVICES.**

**Rules suspended
(Unanimous consent).
Read 2nd. & Ord. 3rd.;
Read 3rd. & Engrossed.**

H.R., THURSDAY, DECEMBER 20, 2018.
REC. WAYS AND MEANS SUBSTITUTE FOR
H.4104

Substituted (as recom. by
W&Ms); and ord. 3rd.

EMERGENCY PREAMBLE

H.R., 19 Correctly drawn.

Contains an Emergency Preamble.

For the House Committee on Bills
in the Third Reading

Rules suspended (Kafka), rd. 3rd.;
and engrossed.

DEC 24 2018
Senate,
Read and, under Senate Rule 27, referred to
the committee on Ways and Means.

Michael P. Harley
Assistant Clerk, Acting Clerk

EMERGENCY PREAMBLE

Senate Correctly drawn.

Sal DiPietro
Contains an Emergency Preamble

For the Senate Committee on
Bills in the Third Reading