

Lipton

#1 - Jud

92 LSO - 2382

#1

HOUSE BILL

2340

HOUSE BILL 2340

HB0340FT02

AN ACT to amend W.S. 7-11-201(a) and 14-3-214(f) and by creating a new subsection (g) relating to background checks on specified public employees; authorizing fingerprinting of specified individuals for the purpose of obtaining state or national criminal history record information; authorizing access to the statewide child protection center central registry; providing liability for persons making false statements or concealing criminal records concerning applicants for specified employment; and providing for an effective date.

Introduced by:

[Signature]

[Signature]

HOUSE ACTION ON HOUSE BILL

1/26 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to Committee No. 1
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
2/2 Returned from Committee No. 1
with Recommendation:
☐ Do Pass; ☒ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
☐ Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
2/5 Considered in Comm. of Whole
☒ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
2/5 Read Second Time
☒ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
2/9 Read Third Time
☐ Amended
☒ Passed ☐ Failed
Aye 40 No ___ Ex ___ Ab ___
☐ Held for Reconsideration
___ / ___ Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
___ / ___ Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
2/9 Sent to Senate (No Amendments)
Sent to LSO for Engrossing
2/9 ENGROSSED
2/9 Sent to Senate

(HOUSE ACTION CONT'D)

___ / ___ Received from Senate with Request to Concur in Amendments.
___ / ___ ☐ House Concurred in Senate Amendments.
___ / ___ ☐ House Did not Concur in Senate Amendments.
___ / ___ JCC# ___
House Members ___ Senate Members ___
___ Ch. ___ Ch.
___ / ___ ☐ Request for New Committee.
___ / ___ ☐ House Did Not Adopt JCC# ___
___ / ___ ☐ House Adopted JCC# ___
___ / ___ ☐ Senate Adopted
___ / ___ ☐ Senate Did not Adopt
___ / ___ JCC# ___
House Members ___ Senate Members ___
___ Ch. ___ Ch.
___ / ___ ☐ Request for New Committee.
___ / ___ ☐ House Did Not Adopt JCC# ___
___ / ___ ☐ House Adopted JCC# ___
___ / ___ ☐ Senate Adopted
___ / ___ ☐ Senate Did not Adopt
___ / ___ JCC# ___
House Members ___ Senate Members ___
___ Ch. ___ Ch.
___ / ___ ☐ Request for New Committee.
___ / ___ ☐ House Did Not Adopt JCC# ___
___ / ___ ☐ House Adopted JCC# ___
___ / ___ ☐ Senate Adopted
___ / ___ ☐ Senate Did not Adopt
___ / ___ Sent for Enrolling
___ / ___ Received from LSO
___ / ___ HEA No. ___
___ / ___ Signed by Speaker
___ / ___ Signed by President
___ / ___ Approved by Governor
___ / ___ Chapter No. ___

(SEE REVERSE SIDE OF BILL JACKET FOR SUMMARY OF SENATE ACTION)

$$\begin{array}{r} 210 \\ 210 \\ \hline 31 \end{array}$$

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NOTES: ADDITIONAL HOUSE / SENATE ACTION

3/4 Died on General File

HOUSE ROLL CALL - FIFTY-SECOND WYOMING LEGISLATURE

Date 2/9/93 Bill # 340 Intro 3rd Rdg Concur _____ Rules/Susp _____

Other Action: _____ JCC# _____

Moved by: _____ Seconded by: _____

Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent	
				ANDERSON, R.					NELSON
				BADGETT					PARK
				BAKER					PASENEAUX
				BARKER					PERKINS
				BATY					PHILP
				BEBOUT					REED
				BENSEL					RYCKMAN
				BETTS					SADLER
				BLACKWELL					SARCLETTI
				BOSWELL					SESSIONS
				BOWRON					SHIPPY
				CASE					SHREVE
				CHAMBERLAIN					SIMONS
				DEVIN					STAFFORD
				DEWITT					STARK
				DIERCKS					SULLIVAN
				ERB					TEMPEST
				GAMS					TIPTON
				HAGEMAN					TOMASSI
				HANES					VASEY
				HANSEN					WALLIS
				HARRISON					WILLFORD
				HINCHEY					WOLFLEY
				HINES					WOOLDRIDGE
				JOHNSON					WRIGHT
				LAW					WYATT
				MACMILLAN					MR. SPEAKER
				MARTON	AYES <u>60</u> PRESENT _____ NOES _____ EXCUSED _____ ABSENT _____ TOTAL <u>60</u> LESS _____				
				MCGRAW					
				MCGREW					
				MOCKLER					
				MOORE					
				MORROW					
				NAGEL	<div> Passed <input checked="" type="checkbox"/> _____ Failed _____ </div>				

2 *✓* Page 1-line 2 After "(f)" insert "and by creating a new
3 subsection (g)".

4 *✓* Page 1-line 9 After ";" insert "providing liability for
5 persons making false statements or conceal-
6 ing criminal records concerning applicants
7 for specified employment;".

8 *✓* Page 1-line 12 After "(f)" insert "and by creating a new
9 subsection (g)".

10 *✓* Page 3-After line 19 Insert:

11 "(g) ANY PERSON OR ENTITY WHO KNOWINGLY MAKES A FALSE
12 STATEMENT IN SUPPORT OF AN APPLICANT FOR EMPLOYMENT WITH A
13 SCHOOL DISTRICT OR STATE INSTITUTION IN A POSITION WHICH IS
14 REASONABLY LIKELY TO INVOLVE CONTACT WITH CHILDREN OR WITH
15 PERSONS SUFFERING MENTAL ILLNESS OR A DEVELOPMENTAL DISABIL-
16 ITY, OR WHO KNOWINGLY CONCEALS THE CRIMINAL OR ADVERSE
17 EMPLOYMENT RECORD OF AN APPLICANT, SHALL BE LIABLE FOR ALL
18 HARM CAUSED BY THE FALSE STATEMENT OR KNOWING CONCEALMENT.
19 THE DISTRICT COURT OF THE COUNTY WHERE THE APPLICANT BECOMES
20 EMPLOYED SHALL HAVE JURISDICTION OF ANY ACTION BROUGHT UNDER
21 THIS SECTION.". SULLIVAN, BADGETT, BOWRON, SHREVE, HAGEMAN *on*

1 HB0340HW01/ *D*

2 *+* Page 2-line 4

3

4

After "employees" insert "HIRED AFTER THE
EFFECTIVE DATE OF THIS ACT". SULLIVAN,
TIPTON

W

1 HB0340HS01/ *B*

2 *4* Page 1-line 1 Delete ", 14-3-213(e)".

3 *4* Page 1-lines 7 and 8 Delete.

4 *4* Page 1-line 9 Delete "vices as specified;".

5 *4* Page 1-line 11 Delete ", 14-3-213(e)".

6 *4* Page 2-lines 11 through 22 Delete.

7 *4* Page 3-line 1 Delete.

8 *4* Page 3-line 8 After "abuse" insert ", NEGLECT AND SEXUAL
9 ABUSE". TIPTON, CHAIRMAN

W

House of Intro
To Com. No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

Second House
To Com No. _____
Stand Report Do ___ Amd ___ Not ___
Com Whole Do ___ Amd ___ Not ___
2nd Reading Amd ___
3rd Reading Amd ___ Pass ___ Fail ___

ENGROSSED

1993

STATE OF WYOMING

93LSO-0387.ENG

HOUSE BILL NO. 0340

Criminal background information checks-2.

Sponsored by: Representative(s) TIPTON and GAMS

A BILL

for

1 AN ACT to amend W.S. 7-19-201(a) and 14-3-214(f) and by
2 creating a new subsection (g) relating to background
3 checks on specified public employees; authorizing
4 fingerprinting of specified individuals for the purpose of
5 obtaining state or national criminal history record infor-
6 mation; authorizing access to the statewide child protec-
7 tion center central registry; providing liability for per-
8 sons making false statements or concealing criminal
9 records concerning applicants for specified employment;
10 and providing for an effective date.

11 Be It Enacted by the Legislature of the State of Wyoming:

12 Section 1. W.S. 7-19-201(a) and 14-3-214(f) and by

1 creating a new subsection (g) are amended to read:

2 7-19-201. State or national criminal history record
3 information.

4 (a) EMPLOYEES OF ANY WYOMING PUBLIC SCHOOL DISTRICT
5 OR OF ANY state institution employees HIRED AFTER THE
6 EFFECTIVE DATE OF THIS ACT who may have access to minors
7 or to persons suffering mental illness or developmental
8 disabilities shall be required to submit to fingerprinting
9 for the purpose of obtaining state or national criminal
10 history record information before employment or transfer
11 to a position where access is acquired.

12 14-3-214. Confidentiality of records; penalties;
13 access to information; attendance of school officials at
14 interviews.

15 (f) Upon appropriate application, the state agency
16 shall provide to any state institution OR ANY PUBLIC
17 SCHOOL DISTRICT for employee screening purposes a summary
18 of records concerning child abuse, NEGLECT AND SEXUAL
19 ABUSE involving a named individual or confirm that no
20 records exist. The applicant shall submit proof satisfac-
21 tory to the state agency that the employee whose records
22 are being checked consents to the release of the informa-

1 tion to the state institution OR SCHOOL DISTRICT. The
2 state institution OR SCHOOL DISTRICT shall use the infor-
3 mation received only for purposes of screening prospective
4 employees who may, through their employment, have
5 unsupervised access to minors. Employees of the state
6 institution OR SCHOOL DISTRICT shall not otherwise divulge
7 or make public any information received under this sec-
8 tion.

9 (g) ANY PERSON OR ENTITY WHO KNOWINGLY MAKES A FALSE
10 STATEMENT IN SUPPORT OF AN APPLICANT FOR EMPLOYMENT WITH A
11 SCHOOL DISTRICT OR STATE INSTITUTION IN A POSITION WHICH
12 IS REASONABLY LIKELY TO INVOLVE CONTACT WITH CHILDREN OR
13 WITH PERSONS SUFFERING MENTAL ILLNESS OR A DEVELOPMENTAL
14 DISABILITY, OR WHO KNOWINGLY CONCEALS THE CRIMINAL OR
15 ADVERSE EMPLOYMENT RECORD OF AN APPLICANT, SHALL BE LIABLE
16 FOR ALL HARM CAUSED BY THE FALSE STATEMENT OR KNOWING CON-
17 CEALMENT. THE DISTRICT COURT OF THE COUNTY WHERE THE
18 APPLICANT BECOMES EMPLOYED SHALL HAVE JURISDICTION OF ANY
19 ACTION BROUGHT UNDER THIS SECTION.

1 Section 2. This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming Consti-
4 tution.

5 (END)

House of Intro				Second House			
To Com. No. _____				To Com No. _____			
_____	Stand Report	Do _____	Amd _____	Not _____	_____	Stand Report	Do _____
_____	Com Whole	Do _____	Amd _____	Not _____	_____	Com Whole	Do _____
_____	2nd Reading	Amd _____			_____	2nd Reading	Amd _____
_____	3rd Reading	Amd _____	Pass _____	Fail _____	_____	3rd Reading	Amd _____
							Pass _____
							Fail _____

INTRODUCED

1993

STATE OF WYOMING

93LSO-0387.01

HOUSE BILL NO. 0340

Criminal background information checks-2.

Sponsored by: Representative(s) TIPTON and GAMS

A BILL

for

1 AN ACT to amend W.S. 7-19-201(a), 14-3-213(e) and
 2 14-3-214(f) relating to background checks on specified
 3 public employees; authorizing fingerprinting of specified
 4 individuals for the purpose of obtaining state or national
 5 criminal history record information; authorizing access to
 6 the statewide child protection center central registry;
 7 requiring maintenance of child abuse and neglect reports
 8 within central registry by the department of family ser-
 9 vices as specified; and providing for an effective date.

10 Be It Enacted by the Legislature of the State of Wyoming:

11 Section 1. W.S. 7-19-201(a), 14-3-213(e) and
 12 14-3-214(f) are amended to read:

1 7-19-201. State or national criminal history record
2 information.

3 (a) EMPLOYEES OF ANY WYOMING PUBLIC SCHOOL DISTRICT
4 OR OF ANY state institution employees who may have access
5 to minors or to persons suffering mental illness or devel-
6 opmental disabilities shall be required to submit to
7 fingerprinting for the purpose of obtaining state or
8 national criminal history record information before
9 employment or transfer to a position where access is
10 acquired.

11 14-3-213. Central registry; establishment; operation;
12 amendment, expungement or removal of records; classifica-
13 tion and expungement of reports.

14 (e) Within six (6) months any report classified as
15 "under investigation" shall be reclassified as "founded"
16 or "closed" depending upon the results of the investiga-
17 tion. UPON RECLASSIFICATION, THE FOUNDED OR CLOSED REPORT
18 SHALL BE MAINTAINED WITHIN THE CENTRAL REGISTRY FOR A
19 PERIOD OF NOT LESS THAN SEVEN (7) YEARS. Unfounded
20 reports shall be CLEARLY IDENTIFIED AS "UNFOUNDED" AND
21 SHALL BE expunged from the central registry UPON EXPIRA-
22 TION OF A PERIOD NOT LESS THAN THREE (3) YEARS FROM THE

1 DATE OF REPORT ENTRY.

2 14-3-214. Confidentiality of records; penalties;
3 access to information; attendance of school officials at
4 interviews.

5 (f) Upon appropriate application, the state agency
6 shall provide to any state institution OR ANY PUBLIC
7 SCHOOL DISTRICT for employee screening purposes a summary
8 of records concerning child abuse involving a named indi-
9 vidual or confirm that no records exist. The applicant
10 shall submit proof satisfactory to the state agency that
11 the employee whose records are being checked consents to
12 the release of the information to the state institution OR
13 SCHOOL DISTRICT. The state institution OR SCHOOL DISTRICT
14 shall use the information received only for purposes of
15 screening prospective employees who may, through their
16 employment, have unsupervised access to minors. Employees
17 of the state institution OR SCHOOL DISTRICT shall not
18 otherwise divulge or make public any information received
19 under this section.

1 Section 2. This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming Consti-
4 tution.

5 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

<u>Anticipated COST to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
General fund	\$40,844.00	\$42,886.00	\$45,030.00
TOTAL ESTIMATED COST	\$40,844.00	\$42,886.00	\$45,030.00

<u>Anticipated SAVINGS to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED SAVINGS	_____	_____	_____

<u>Anticipated Change in Personnel:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
Full-Time	1		
Part-Time	1		
Temporary			
Time-Limited, Other			
TOTAL PERSONNEL IMPACT	1.5		

The above impact would be for the Department of Family Services which operates the youth institutions.

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

HB 0340 + H 501

Cheyenne, February 1 , 19 93 ..

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

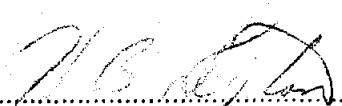
to whom was referred House Bill No. 0340

respectfully reports same back to the House with the recommendation that

it DO PASS with the following amendments: See attached Schedule A.

AYES

Barker
Case
Hanes
MacMillan
Nagel
Nelson
Sullivan
Tomassi
Tipton


Harry B. Tipton,

Chairman

DM

SCHEDULE A

Page 1-line 1 Delete ", 14-3-213(e)".

Page 1-lines 7 and 8 Delete.

Page 1-line 9 Delete "vices as specified;".

Page 1-line 11 Delete ", 14-3-213(e)".

Page 2-lines 11 through 22 Delete.

Page 3-line 1 Delete.

Page 3-line 8 After "abuse" insert " , NEGLIGENCE AND SEXUAL ABUSE".

AMENDMENT LIST

DATE 2/5 BILL NO. HB340 Circle One: COW 2nd 3rd

HB340HS01/A

HB340HW01/A

AMENDMENT LIST

DATE 2/8 BILL NO. HB 340 Circle One: COW 2nd 3rd

HB0340 H201 /AC


THE LEGISLATURE OF THE STATE OF WYOMING

Senate

March 1
 Cheyenne, ~~February~~....., 1993..

Mr. President:

Your Committee No.....1..... on.....JUDICIARY.....
 to whom was referred ENG. HB.....No. 0340.....
 respectfully reports same back to the Senate ~~with the recommendation that~~
 without recommendation


 Senator Jim Geringer Chairman

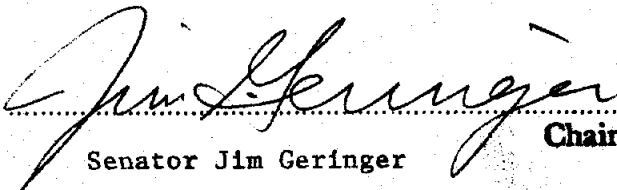
THE LEGISLATURE OF THE STATE OF WYOMING

Senate

March 1
Cheyenne, ~~February~~, 1993.

Mr. President:

Your Committee No. 1 on JUDICIARY
 to whom was referred ENG. HB No. 0340
 respectfully reports same back to the Senate ~~with the recommendation that~~
 without recommendation


 Senator Jim Geringer Chairman