

## LEGISLATIVE BILL 728

Approved by the Governor March 28, 2014

Introduced by Harms, 48.

FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217.01, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal history record information checks for certain employees of the Division of Developmental Disabilities of the Department of Health and Human Services; to eliminate provisions requiring fingerprints from and criminal history record information regarding certain employees; to repeal the original section; to outright repeal section 83-1217.02, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 83-1217.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-1217.01 Employees (1) Each employee of state-operated services and facilities providing developmental disabilities services shall be subject to the criminal history record information check requirements of subdivision (9) of section 83-1217 and ~~section 83-1217.02~~, shall file a complete set of his or her legible fingerprints with the department. The department shall transmit such fingerprints to the Nebraska State Patrol which shall transmit a copy of the applicant's fingerprints to the Identification Division of the Federal Bureau of Investigation for a national criminal history record information check.

(2) The national criminal history record information check shall include information concerning the employee from federal repositories of such information and repositories of such information in other states if authorized by federal law for use by the department.

(3) The Nebraska State Patrol shall undertake a search for Nebraska criminal history record information concerning the employee. The Nebraska State Patrol shall issue a report to the department which contains the results of the criminal history record information check conducted by the Nebraska State Patrol.

(4) Criminal history record information subject to federal confidentiality requirements shall remain confidential and may be released only upon the written authorization of the employee.

(5) The department, in cooperation with the Nebraska State Patrol, shall adopt and promulgate rules and regulations to carry out this section.

Sec. 2. Original section 83-1217.01, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following section is outright repealed: Section 83-1217.02, Revised Statutes Cumulative Supplement, 2012.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.