

January 22, 1992 LB 522

1 to 9 should prohibit the agency and so on or nonpublic school from conducting other criminal record or background checks permitted by law. Out of curiosity, what other background checks can they do now by law?

SENATOR CHIZEK: Right now, the only ones they can do are the ones with the consent of the employee.

SENATOR BERNARD-STEVENS: Okay, so if the facility...

SENATOR CHIZEK: It could be there are none.

SENATOR BERNARD-STEVENS: So if a person were coming up to be interviewed and they said we would like to do a background check as a part of our application process, or if a school board put a policy themselves saying that as part of the application process we would like...we would require a background check, would you please consent to do so if you want to be in our system, could they do that?

SENATOR CHIZEK: Counsel did a lot of the drafting, and, basically, you could go to the court and get the public records that are available and I think that is it, Senator.

SENATOR BERNARD-STEVENS: So if the school district wanted to, they could go to court, they could go to a court and obtain any records that would be pertaining to that individual?

SPEAKER BAACK: One minute.

SENATOR CHIZEK: That portion that is public. Obviously, they could not get investigative reports, et cetera.

SENATOR BERNARD-STEVENS: But, again, my question is if I signed as a potential employee a form, I put "yes" in the box stating they had my permission to look into things that are not public as well, they would not be able to do so unless they have probable cause, is that correct?

SENATOR CHIZEK: Still can't get it.

SENATOR BERNARD-STEVENS: Thank you. The other question I have, when you were explaining the bill, I didn't quite understand, when the information comes back to the applicant, I have gone through the process, I have now received the letter back stating