

**FIRST ENGROSSMENT
with Conference Committee Amendments
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; to provide for a
3 legislative management study; and to provide an appropriation.

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

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.

7 **SECTION 3. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**
8 **CRIMINAL HISTORY RECORD CHECKS.** There is appropriated out of any moneys in the
9 general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much
10 of the sum as may be necessary, to the department of health and human services for the
11 purpose of salary and wages for personnel to process fingerprints and complete required
12 criminal history record checks and for the purchase of two fingerprint scanners, for the biennium
13 beginning July 1, 2023, and ending June 30, 2025. The department is authorized two full-time
14 equivalent positions to process fingerprints for criminal history record checks.