



H. 1674 An Act to Require National Criminal Background Checks (Staff Who Work With Individuals Served By the Department of Developmental Disabilities)

LEAD SPONSORS: Former Rep. and current Boston Mayor Martin Walsh and former Senator Jack Hart, along with 62 Legislative Co-Sponsors

CURRENT LAW: Individuals who apply for employment within Massachusetts to work with persons served by the Massachusetts Department of Developmental Disabilities (DDS) must undergo a Criminal Offense Registry Information (CORI) check. The CORI database is limited to a person's criminal history within Massachusetts. There is no statutory or regulatory requirement that DDS or any of its vendor agencies conduct any systematic national criminal background checks of potential employees. As such, potential employees with a criminal history documented beyond the border of Massachusetts have worked with some of our state's most vulnerable residents. This bill would close the loophole that now allows people with criminal convictions in other states to work directly with the thousands of individuals served by DDS and its vendor agencies.

WHAT THE BILL WOULD DO: This bill will require a national check of candidates who apply for positions working with individuals served by DDS. Criminal background verification will be determined by cross-referencing fingerprint data with The Integrated Automated Fingerprint Identification System, more commonly known as IAFIS, a national fingerprint and criminal history system maintained by the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Division. The IAFIS provides automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses. Before an individual is hired to work with a person served by DDS, they must undergo this screening. The bill, which was co-sponsored by 62 legislators, has the full support of the Executive Office of Health and Human Services and the Executive Office of Public Safety and Security.

REASON FOR THIS LEGISLATION: Without the capacity to conduct interstate scrutiny of criminal history, it is very easy for individuals to move from state to state to obtain employment. An agency may hire an individual without having the means to make an informed decision based upon access to an applicant's comprehensive criminal history. This legislation would remedy the danger this situation would pose to people served by DDS. It would also expedite the current system and provide clear verification data. This bill would not modify or adjust the current guidelines in how results are interpreted or implemented.

H1674 is modeled after H4307 ('education background check bill'), which was signed into law by Governor Deval Patrick in January 2013, requiring all school districts to conduct fingerprint-supported national criminal history background checks on all teachers, school employees and early education providers in Massachusetts. Implementation of the 'education background check bill' is underway.

PROCESS/COST: The costs for conducting the national background checks will primarily be covered by fees that will be paid by the person who is being hired (similar to the education bill H4307). The fee, not to exceed \$45 per background check, will be established by the Secretary of Administration and Finance in consultation with the Secretary of Public Safety and Security and the DDS Commissioner. These fees will offset the costs of operating and administering a fingerprint-based criminal background check system. The department-licensed, funded or approved programs may reimburse applicants for employment, internship or volunteer positions, for all or part of the fee on the grounds of financial hardship.

H1674 will utilize the same statewide infrastructure and nationally accredited vendor that is in place to process the background checks required by H4307. CJIS will disseminate the results of each background check to DDS, which will determine whether the individual is approved for employment in this state.

**For more information on this bill, contact: Maureen Gallagher, Executive Director
Massachusetts Down Syndrome Congress, at: mgallagher@mdsc.org or 781-221-0024 x201**