

CHAPTER 283**(SB 137)**

AN ACT relating to criminal records checks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 216.793 is amended to read as follows:

- (1) Each application form provided by the employer, or each application form provided by a facility either contracted or operated by the Department for Mental Health and Mental Retardation Services of the Cabinet for Health Services, to the applicant for initial employment in a nursing facility or nursing pool providing staff to a nursing facility or in a position funded by the Department for Social Services or the Office of Aging Services of the Cabinet for Families and Children and which involves providing direct services to senior citizens shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT."
- (2) Any request for criminal records of an applicant as provided under subsection (1) of this section shall be on a form or through a process approved by the Justice Cabinet *or the Administrative Office of the Courts*. The Justice Cabinet *or the Administrative Office of the Courts* may charge a fee to be paid by the applicant or state agency in an amount no greater than the actual cost of processing the request ~~and shall not exceed five dollars (\$5) per application~~.

SECTION 2. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

- (1) *In any instance that the Justice Cabinet is required by statute to conduct a criminal records or background check, the Justice Cabinet may contract with the Administrative Office of the Courts to perform that service.*
- (2) (a) *Except as provided in paragraph (b) of this subsection, the Administrative Office of the Courts shall set a reasonable fee for a criminal records check conducted by the office in an amount no greater than the actual cost of conducting that criminal records check.*
(b) *When another statute sets the dollar amount of the fee charged for a criminal records check conducted by the Administrative Office of the Courts, the office shall charge that fee.*
- (3) *The Administrative Office of the Courts shall be required to accept a criminal records check request only when the request is made:*
(a) *By letter, electronic mail, or facsimile transmission; or (b) In person.*
- (4) *The Administrative Office of the Courts may establish an escrow account for a person who frequently requests that the office conduct criminal records checks. Approved April 3, 2000*

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