

1 AN ACT relating to criminal history record checks.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) As used in this section, "emergency placement" means those limited instances*
6 *when the Cabinet for Health and Family Services' Department for Community*
7 *Based Services is placing a child in the home of private individuals, including*
8 *neighbors, friends, or relatives, as a result of a sudden unavailability of the*
9 *child's primary caregiver.*
- 10 *(2) During an emergency placement when a child must be placed in home-care due*
11 *to the absence of parents or custodians, the Department for Community Based*
12 *Services may request that a criminal justice agency perform a federal name-based*
13 *criminal history record check of each adult residing in the home. Name-based*
14 *check results may be provided to the Department for Community Based Services,*
15 *which shall then provide a complete set of each adult resident's fingerprints to*
16 *the Department of Kentucky State Police for the immediate submission to the*
17 *Federal Bureau of Investigation within fourteen (14) calendar days from the date*
18 *the name search was conducted. The Department of Kentucky State Police shall*
19 *either positively identify the fingerprint subject or forward the fingerprints to the*
20 *Federal Bureau of Investigation within fifteen (15) calendar days from the day*
21 *the name search was conducted. The child shall be removed from the home*
22 *immediately if any adult resident fails to provide such fingerprints and written*
23 *permission to perform a federal criminal history record check when requested.*
- 24 *(3) When placement of a child in a home is denied as a result of a name-based*
25 *criminal history record check of a resident, and the resident contests that denial,*
26 *each such resident shall, within fifteen (15) calendar days, submit to the*
27 *Department for Community Based Services a complete set of the resident's*

1 *fingerprints with written permission allowing the Department for Community*
2 *Based Services to forward the fingerprints to the Department of Kentucky State*
3 *Police for submission to the Federal Bureau of Investigation.*
4 *(4) The Department of Kentucky State Police and the Federal Bureau of*
5 *Investigation may each charge a reasonable fee for processing a fingerprint-*
6 *based criminal history record check.*