

1 AN ACT relating to background checks.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) For the purpose of this section, "youth-serving organization" means a*
6 *corporation, association, or other organization which provides recreational,*
7 *cultural, charitable, social, or other services for persons younger than eighteen*
8 *(18) years of age.*
- 9 *(2) A youth-serving organization may request that the Department of Kentucky State*
10 *Police conduct national and state criminal background checks on each*
11 *prospective or current volunteer of the organization in accordance with 34 U.S.C.*
12 *secs. 40102 et seq., as amended by the Child Protection Improvements Act.*
- 13 *(3) The youth-serving organization shall obtain a signed consent form from every*
14 *prospective or current volunteer subject to national and state criminal*
15 *background checks. The youth-serving organization shall retain the original*
16 *signed consent form and submit a copy to the Department of Kentucky State*
17 *Police.*
- 18 *(4) The terms of the consent form shall include an acknowledgement that the youth-*
19 *serving organization will request that the Department of Kentucky State Police*
20 *conduct national and state criminal background checks and that the Department*
21 *of Kentucky State Police is authorized to release the results of those background*
22 *checks to the youth-serving organization.*
- 23 *(5) The youth-serving organization shall submit the prospective or current*
24 *volunteer's fingerprints to the Department of Kentucky State Police for*
25 *submission to the Federal Bureau of Investigation after the state criminal*
26 *background check is conducted.*
- 27 *(6) The national and state criminal background reports are available to youth-*

- 1 servicing organizations to use only for the purpose of screening prospective or
2 current volunteers of the youth-serving organization. The Department of
3 Kentucky State Police shall provide the results of the national and state criminal
4 background check directly to the youth-serving organization as authorized by the
5 waiver required for submission to the Department of Kentucky State Police.
- 6 (7) The youth-serving organization shall notify the person who is the subject of the
7 national and state criminal background checks of his or her right to:
- 8 (a) Obtain a copy of any background check report;
9 (b) Challenge the accuracy and completeness of any information contained in
10 any such report; and
11 (c) Obtain a determination as to the validity of such challenge before a final
12 determination regarding the person is made by the youth-serving
13 organization reviewing the report.
- 14 (8) The Department of Kentucky State Police shall develop a consent form to be used
15 by youth-serving organizations in accordance with the guidelines set forth in 34
16 U.S.C. secs. 40102 et seq.
- 17 (9) Any fee charged by the Department of Kentucky State Police to conduct a
18 criminal background check shall be paid by the volunteer or the youth-serving
19 organization. Any fee charged to conduct a criminal background check shall be
20 an amount not greater than the actual cost of processing the request and
21 conducting the search.