

## Emerging Issue: Medical Marijuana

### SJR 7 Study: Disqualifying Offenses for Direct Care Workers

Prepared for the Children, Families, Health, and Human Services Interim Committee  
June 2010

During the 2007-08 interim, the Senate Joint Resolution 7 work group studied the issue of background checks for people who provide direct care in health-care settings. The work group identified a number of felony offenses it felt should disqualify a person from employment as a direct-care worker, either permanently or for a period of time. The following table indicates which crimes were considered permanently disqualifying offenses and which would prevent employment for a certain period of time (and the time period suggested).

Permanent Disqualification	Temporary Disqualification
Deliberate homicide	Negligent homicide (10 years)
Mitigated deliberate homicide	Vehicular homicide while under the influence (10 years)
Aiding or soliciting suicide	Negligent vehicular assault without serious bodily injury (misdemeanor -- 5 years)
Aggravated assault	Negligent vehicular assault with serious bodily injury (10 years)
Intimidation	Criminal endangerment (5 years)
Mistreating prisoners	Custodial interference (5 years)
Partner or family member assault, third or subsequent offense	Sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury (10 years)
Assault on a peace or judicial officer with or without serious bodily injury	Indecent exposure, third or subsequent offense (5 years)
Assault on a minor	Prostitution, second or subsequent offense (5 years)
Assault with a weapon	Aggravated nonsupport (5 years)
Stalking, second or subsequent offense	Endangering the welfare of children through the use of methamphetamine (10 years)
Malicious intimidation or harassment relating to civil or human rights	Violation of an order of protection, third or subsequent offense (10 years)
Surreptitious visual observation or recording in a place of residence, third or subsequent offense	Parenting interference (5 years)
Surreptitious visual observation or recording of a minor in a public establishment	Criminal mischief that injures or kills an animal or causes a substantial disruption of public services (5 years)

<b>Permanent Disqualification</b>	<b>Temporary Disqualification</b>
Kidnapping	Desecration of the Capitol, place of worship, cemetery, or public memorial with greater than \$1,000 in damages (5 years)
Aggravated kidnapping	Theft exceeding \$1,000 or of ammonia for manufacturing drugs (5 years)
Subjecting a person to involuntary servitude, when the offense includes aggravated kidnapping, sexual intercourse without consent, or deliberate homicide	Failure to return rented or leased personal property exceeding \$1,000 (5 years)
Trafficking of persons for involuntary servitude, when the offense includes aggravated kidnapping, sexual intercourse without consent, or deliberate homicide	Issuing a bad check exceeding \$1,000 or as part of a common scheme (5 years)
Sexual intercourse without consent	Deceptive practices exceeding \$1,000 or as part of a common scheme (5 years)
Prostitution and promoting prostitution when the prostitute is under 12 and the client is over 18	Chain distributor schemes, second offense (5 years)
Incest when the victim is less than 16 and the offender is 3 or more years older or if the offender inflicts bodily harm	Cruelty to animals, second or subsequent offense or aggravated cruelty (10 years)
Aggravated promotion of prostitution when the prostitute is under 18 or the prostitute is under 12 and the client is over 18	Various felony drug offenses (5-10 years depending on offense)
Sexual abuse of children	DUI, fourth offense (10 years)
Ritual abuse of a minor	
Negligent arson that places a person in danger of serious bodily injury or death	
Arson	
Robbery	
Burglary and aggravated burglary	
Theft exceeding \$10,000	
Medicaid fraud exceeding \$1,000	
Forgery exceeding \$1,000 or as part of a common scheme	
Identity theft exceeding \$1,000	