

SENATE JOINT RESOLUTION NO. 7  
INTRODUCED BY LIND, SCHMIDT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND THE DEPARTMENT OF JUSTICE TO EXAMINE REQUIRING CRIMINAL BACKGROUND CHECKS FOR DIRECT-CARE WORKERS AND TO PROVIDE A PROPOSAL TO THE 61ST LEGISLATURE.

WHEREAS, many places of employment require criminal background checks as a condition of employment in programs and services that serve the most vulnerable people in society; and

WHEREAS, a criminal background check using fingerprints is the only way to screen an applicant who is from out-of state or may have changed the applicant's name and many other states have laws requiring criminal background checks for workers providing direct care to vulnerable persons;

WHEREAS, requiring criminal background checks for those who work directly with vulnerable persons is a complex situation that requires information from and cooperation with multiple agencies; and

WHEREAS, a study of this nature is best accomplished with the assistance of parties that will be involved in regulating or licensing direct-care workers and performing the background checks and with the assistance of service providers, consumers, and advocacy groups who hold vital information.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Public Health and Human Services work with the Department of Justice and other stakeholders to develop a proposal to present to the 2009 Legislature that would require an applicant seeking employment as a direct-care staff person in a program or service that is provided, funded, or regulated by the Department of Public Health and Human Services to undergo a criminal background check, using fingerprints, through the Federal Bureau of Investigation as a condition of employment.

BE IT FURTHER RESOLVED, that the proposal should:

- (1) identify the programs and services for which criminal background checks should be required;
- (2) specify the direct-care staff positions for which criminal background checks should be required;
- (3) provide a detailed process and timeline for collecting an applicant's fingerprints, submitting them to the Federal Bureau of Investigation, and distributing appropriate information to employers;

(4) establish a specific list of relevant crimes that would exclude a convicted applicant from employment as a direct-care staff person;

(5) establish an appeals process for applicants who are denied employment because of the results of a background check; and

(6) determine the estimated cost and sources of funding for implementing the system of criminal background checks outlined in the proposal.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services and the Department of Justice identify and include affected parties and stakeholders in the development of any proposal and report at least quarterly to an appropriate legislative interim committee.

BE IT FURTHER RESOLVED, that the final proposal resulting from the study, including any findings, conclusions, comments, or recommendations be reported to the 61st Legislature.

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