

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

1

HOUSE BILL 698

Short Title: Background Checks for Firefighters. (Public)

Sponsors: Representatives Saine, Ramsey, and Boles (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary Subcommittee A.

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE CRIMINAL HISTORY CHECKS FOR CURRENT
3 VOLUNTEERS OR PAID FIRE DEPARTMENT PERSONNEL AND EMERGENCY
4 MEDICAL SERVICES PERSONNEL.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 114-19.12 reads as rewritten:

7 "§ 114-19.12. Criminal history record checks of applicants to and current members of fire
8 departments and emergency medical services.

9 (a) Definitions. – The following definitions apply in this section:

10 ...

11 (3) Current member. – A person who serves in a paid or volunteer position with
12 a fire department or an emergency medical service.

13 (b) When requested by a designated local Homeland Security director a local fire chief,
14 a county fire marshal, or an emergency services director or, when there is no designated local
15 Homeland Security director, local fire chief, county fire marshal, or emergency services
16 director, by a local law enforcement agency, the North Carolina Department of Justice may
17 provide to the requesting director, chief, marshal, director, or agency an applicant's or current
18 member's criminal history from the State and National Repositories of Criminal Histories. The
19 local Homeland Security director, local fire chief, marshal, director, or local law enforcement
20 agency shall provide to the North Carolina Department of Justice the fingerprints of the
21 applicant to be checked, any additional information required by the Department of Justice, and
22 a form signed by the applicant to be checked consenting to the check of the criminal record and
23 to the use of fingerprints and other identifying information required by the State or National
24 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of
25 Investigation for a search of the State criminal history record file, and the State Bureau of
26 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
27 national criminal history record check. The local Homeland Security director, local fire chief,
28 county fire marshal, emergency services director, or local law enforcement agency shall keep
29 all information pursuant to this section confidential. The Department of Justice shall charge a
30 reasonable fee for conducting the checks of the criminal history records authorized by this
31 section.

32 ...

33 (d) If the applicant's or current member's verified criminal history record check reveals
34 one or more convictions covered under subdivision (a)(2) of this section, then the conviction
35 shall constitute just cause for not selecting the applicant for the position or for dismissing the



1 ~~person~~ current member from a current position with the local fire department or emergency
2 medical services. The conviction shall not automatically prohibit volunteering or employment;
3 however, the following factors shall be considered by the local Homeland Security director,
4 local fire chief, county fire marshal, emergency services director, or local law enforcement
5 agency in determining whether the position shall be ~~denied~~ denied or the current member
6 dismissed from a current position:

- 7 (1) The level and seriousness of the crime;
- 8 (2) The date of the crime;
- 9 (3) The age of the person at the time of the conviction;
- 10 (4) The circumstances surrounding the commission of the crime, if known;
- 11 (5) The nexus between the criminal conduct of the person and the duties of the
12 person;
- 13 (6) The prison, jail, probation, parole, rehabilitation, and employment records of
14 the person since the date the crime was committed; and
- 15 (7) The subsequent commission by the person of a crime listed in subsection (a)
16 of this section.

17 (e) The local fire department or emergency medical services may deny the applicant or
18 current member the position or dismiss an applicant or current member who refuses to consent
19 to a criminal history record check or use of fingerprints or other identifying information
20 required by the State or National Repositories of Criminal Histories. This refusal constitutes
21 just cause for the denial of the position or the dismissal from ~~the~~ a current position.

22"

23 **SECTION 2.** This act becomes effective October 1, 2013.