



House of Representatives

General Assembly

File No. 393

February Session, 2022

House Bill No. 5454

House of Representatives, April 11, 2022

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND CRIMINAL BACKGROUND CHECKS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-40a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Commissioner of Public Health and the Commissioner of
4 Administrative Services shall require each applicant for employment in,
5 and each employee applying for transfer to, the vital records unit of the
6 Department of Public Health to (1) state whether such applicant or
7 employee has ever been convicted of a crime or whether criminal
8 charges are pending against such applicant or employee at the time of
9 application for employment or transfer, and (2) submit to state and
10 national criminal history records checks. The criminal history records
11 checks required pursuant to this section shall be conducted in
12 accordance with section 29-17a.

13 Sec. 2. Section 18-81l of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective from passage*):

15 The [Department] Commissioner of Correction and the
16 Commissioner of Administrative Services shall (1) require each
17 applicant for a position that will involve direct contact with inmates to
18 state whether such person has ever been convicted of a crime or whether
19 criminal charges are pending against such person at the time of such
20 person's application, and (2) require each applicant to submit to state
21 and national criminal history records checks. The criminal history
22 records checks required pursuant to this section shall be conducted in
23 accordance with section 29-17a.

24 Sec. 3. Subsection (a) of section 14-9a of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective from*
26 *passage*):

27 (a) The Department of Motor Vehicles and the Department of
28 Administrative Services shall, subject to the provisions of section 31-51i,
29 require each external applicant for a position of employment with the
30 [department] Department of Motor Vehicles (1) to state whether the
31 applicant has ever been convicted of a crime, to state whether criminal
32 charges are pending against the applicant at the time of the application
33 and, if so, to identify the charges and court in which they are pending,
34 and (2) if offered employment with the [department] Department of
35 Motor Vehicles, to be fingerprinted and to submit to state and national
36 criminal history records checks. The criminal history records checks
37 required by this section shall be in accordance with section 29-17a.

38 Sec. 4. Section 12-3c of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective from passage*):

40 The Commissioner of Revenue Services and the Commissioner of
41 Administrative Services shall, subject to the provisions of section 31-51i,
42 require each applicant for a position of employment with, each
43 employee applying for transfer to and, at least once every [ten] five
44 years, each current employee of, the Department of Revenue Services,

45 to (1) state in writing whether such applicant or employee has ever been
46 convicted of a crime or whether criminal charges are pending against
47 such applicant or employee and, if so, to identify the charges and court
48 in which such charges are pending, and (2) be fingerprinted and submit
49 to state and national criminal history records checks. The criminal
50 history records checks required by this section shall be conducted in
51 accordance with section 29-17a.

52 Sec. 5. Subsection (a) of section 17a-6a of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective from*
54 *passage*):

55 (a) The Commissioner of Children and Families and the
56 Commissioner of Administrative Services shall (1) require each
57 applicant for a position with the [department] Department of Children
58 and Families to state in writing whether such person has ever been
59 convicted of a crime or whether criminal charges are pending against
60 such person at the time such person submits an application, and (2)
61 require each applicant to submit to state and national criminal history
62 records checks, in accordance with section 29-17a. The [commissioner]
63 Commissioner of Children and Families shall also check the state child
64 abuse registry established pursuant to section 17a-101k for the name of
65 such applicant.

66 Sec. 6. Section 17a-227a of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective from passage*):

68 (a) The Commissioner of Developmental Services and the
69 Commissioner of Administrative Services shall require each applicant
70 who has been made an offer of conditional employment by the
71 [department] Department of Developmental Services to be
72 fingerprinted and submit to state and national criminal history records
73 checks. The criminal history records checks required by this section shall
74 be conducted in accordance with section 29-17a. Employment by the
75 department shall be considered conditional until the results of the
76 criminal history records checks are received and reviewed by the
77 department.

78 (b) The [commissioner] Commissioner of Developmental Services
 79 may require providers licensed or funded by the department to provide
 80 residential, day or support services to persons with intellectual
 81 disability, to require each applicant who has been made an offer of
 82 conditional employment and will have direct and ongoing contact with
 83 persons and families receiving such services to submit to a check of such
 84 applicant's state criminal background. If the department requires such
 85 providers to have such applicants who have been made an offer of
 86 conditional employment submit to such checks, the administrative costs
 87 associated with such checks shall be considered an allowable cost on the
 88 annual cost report. Employment by a provider licensed or funded by the
 89 department shall be considered conditional until the results of the
 90 background checks have been received and reviewed by the provider.

91 Sec. 7. Section 5-207a of the general statutes is repealed and the
 92 following is substituted in lieu thereof (*Effective from passage*):

93 For each position of employment with the state of Connecticut that
 94 involves exposure to federal tax information, the employing agency and
 95 the Department of Administrative Services shall, subject to the
 96 provisions of section 31-51i, require each applicant for, each employee
 97 applying for transfer to, and, at least every [ten] five years, each current
 98 employee of such a position, to (1) state in writing whether such
 99 applicant or employee has been convicted of a crime or whether
 100 criminal charges are pending against such applicant or employee at the
 101 time of application for employment or transfer and, if so, to identify the
 102 charges and court in which such charges are pending, and (2) be
 103 fingerprinted and submit to state and national criminal history records
 104 checks. The criminal history records checks required by this section shall
 105 be conducted in accordance with section 29-17a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-40a
Sec. 2	<i>from passage</i>	18-81l
Sec. 3	<i>from passage</i>	14-9a(a)

Sec. 4	<i>from passage</i>	12-3c
Sec. 5	<i>from passage</i>	17a-6a(a)
Sec. 6	<i>from passage</i>	17a-227a
Sec. 7	<i>from passage</i>	5-207a

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill requires the Department of Administrative Services (DAS) to conduct criminal background checks for specified positions at other state agencies.

The bill also increases the frequency of periodic criminal background checks, from every 10 years to every five years, for existing Department of Revenue Services employees and any state employees exposed to federal tax information.

These provisions have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5454*****AN ACT CONCERNING THE DEPARTMENT OF ADMINISTRATIVE SERVICES AND CRIMINAL BACKGROUND CHECKS.*****SUMMARY**

This bill requires the Department of Administrative Services (DAS) commissioner to conduct criminal background checks for specified positions at other state agencies. Under a 2019 Executive Order that centralized human resources (HR) for most state agencies (see BACKGROUND), DAS currently performs HR functions on these agencies' behalf. Table 1 below lists the positions affected by the bill and the agencies currently required to conduct background checks.

Under current law, these agencies generally must require prospective (or in some cases current or transferring) employees to (1) state whether they have ever been convicted of a crime or are facing pending criminal charges when they apply and (2) submit to state and national criminal history checks. Under the bill, the DAS commissioner is also required to do so for these positions.

The bill also increases the frequency of periodic criminal background checks, from every 10 years to every five years, for existing Department of Revenue Services (DRS) employees and any state employees exposed to federal tax information.

EFFECTIVE DATE: Upon passage

COVERED POSITIONS AND AGENCIES

The bill extends to the DAS commissioner the requirement to conduct criminal background checks and other listed verifications for the positions and agencies listed in Table 1.

Table 1: Covered Positions and Agencies

Covered Positions	Agency Currently Required to Conduct the Checks
Applicants, including transfers, to the vital records unit of the Department of Public Health (DPH) (§ 1)	DPH
Applicants for any position with direct contact with inmates (§ 2)	Department of Correction
External applicants to the Department of Motor Vehicles (DMV) (§ 3)	DMV
Applicants, including transfers, and current DRS employees (§ 4)	DRS
Applicants to the Department of Children and Families (DCF) (§ 5)	DCF
Applicants offered conditional employment by the Department of Developmental Services (DDS) (§ 6)	DDS
Applicants, transfers, and current employees of any state job with exposure to federal tax information (§ 7)	Employing agency

BACKGROUND

State Centralization of Human Resources

In July 2019, the governor signed Executive Order #2 to centralize the human resource functions of most state agencies and entities under DAS. The order also established the Human Resources & Labor Relations Centralization Initiative Steering Committee, co-chaired by the DAS commissioner and the Office of Policy and Management secretary, to implement the order.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable
 Yea 19 Nay 0 (03/29/2022)