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Subject: LCCMR Background Checks - Memo & Starting Point for Bill Draft
Date: Monday, July 27, 2020 1:37:53 PM
Attachments: [Memo - Proposed Background Check Legislation.pdf](#)
[Bill Draft - Background Checks req. for LCCMR Grantees \(SC7692-1\).pdf](#)

Director Nash,

House and Senate staff have jointly prepared the attached memorandum and bill draft in response to the background check discussion that took place at the July 2, 2020, LCCMR meeting. The commissioners requested that various specific members of House and Senate staff review these documents and the list of those who have done so can be found in the first footnote of the memorandum.

It is important to note that the bill draft is not complete per se but is really just a starting point. All it does is attempt to convert the language in Mike Reese's first motion into a starting point for further discussion. We think the following issues still need to be resolved or discussed by LCCMR members if they want to move forward with this draft bill:

- What has to happen if a background check crime is identified through a background check? Is that person fired, kept away from children, or what?
- What is the relevant time period? Do the commissioners care about a background check crime committed twenty years ago?
- How often does a background check need to be completed? Only when a person is hired or periodically?
- Should the bill somehow address the cost of conducting these background checks?
- Requiring background checks is normally something that is a part of the hiring or occupational licensing process. It is a little unorthodox to require it just in order to access a particular stream of grant funding.
- The bill contains language that ensures that LCCMR members and staff are not liable for background check problems, but it does create at least the specter of lawsuits against grantees who fail to properly perform background checks, fire someone who is revealed to have committed a background check crime, etc.
- There are simpler ways of achieving more or less the same end. The commission could simply ask applicants about their background check processes as part of the RFP process or a statute could require a grantee to simply certify that they have a background check system in place.

Please let us know if you have any questions.

Thank you,

House and Senate Nonpartisan Staff

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