

# HOUSE BILL No. 1318

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-13-3.

**Synopsis:** National fingerprint based criminal history checks. Permits the state police department to retain the federally allowable part of the federal fee for a national fingerprint based criminal history check.

**Effective:** July 1, 2011.

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### Borders

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January 13, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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# HOUSE BILL No. 1318



A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-13-3-28 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28. (a) On request of  
3 an individual who has applied for employment with a noncriminal  
4 justice organization or individual, the Indiana central repository for  
5 criminal history information shall process a request for a ~~limited~~  
6 **national fingerprint based** criminal history check of the individual  
7 making the request from the Federal Bureau of Investigation's National  
8 Crime Information Center upon:

- 9 (1) the submission of fingerprints of the individual making the  
10 request; and
- 11 (2) the payment of a fifteen dollar (\$15) fee.

12 **(b) The department may retain the federally allowable part of**  
13 **the federal fee for a national fingerprint based criminal history**  
14 **check.**

15 SECTION 2. IC 10-13-3-38.5, AS AMENDED BY P.L.113-2010,  
16 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2011]: Sec. 38.5. (a) Under federal P.L.92-544 (86 Stat.



1 1115), the department may use an individual's fingerprints submitted  
 2 by the individual for the following purposes:  
 3 (1) Determining the individual's suitability for employment with  
 4 the state, or as an employee of a contractor of the state, in a  
 5 position:  
 6 (A) that has a job description that includes contact with, care  
 7 of, or supervision over a person less than eighteen (18) years  
 8 of age;  
 9 (B) that has a job description that includes contact with, care  
 10 of, or supervision over an endangered adult (as defined in  
 11 IC 12-10-3-2), except the individual is not required to meet the  
 12 standard for harmed or threatened with harm set forth in  
 13 IC 12-10-3-2(a)(3);  
 14 (C) at a state institution managed by the office of the secretary  
 15 of family and social services or state department of health;  
 16 (D) at the Indiana School for the Deaf established by  
 17 IC 20-22-2-1;  
 18 (E) at the Indiana School for the Blind and Visually Impaired  
 19 established by IC 20-21-2-1;  
 20 (F) at a juvenile detention facility;  
 21 (G) with the Indiana gaming commission under IC 4-33-3-16;  
 22 (H) with the department of financial institutions under  
 23 IC 28-11-2-3; or  
 24 (I) that has a job description that includes access to or  
 25 supervision over state financial or personnel data, including  
 26 state warrants, banking codes, or payroll information  
 27 pertaining to state employees.  
 28 (2) Identification in a request related to an application for a  
 29 teacher's license submitted to the department of education  
 30 established by IC 20-19-3-1.  
 31 (3) Use by the gaming commission established under IC 4-33-3-1  
 32 for licensure of a promoter (as defined in IC 4-33-22-6) under  
 33 IC 4-33-22.  
 34 (4) Use by the Indiana board of pharmacy in determining the  
 35 individual's suitability for a position or employment with a  
 36 wholesale drug distributor, as specified in IC 25-26-14-16(b),  
 37 IC 25-26-14-16.5(b), IC 25-26-14-17.8(c), and IC 25-26-14-20.  
 38 An applicant shall submit the fingerprints in an appropriate format or  
 39 on forms provided for the employment or license application. The  
 40 department shall charge each applicant the fee established under  
 41 section 28 of this chapter and by federal authorities to defray the costs  
 42 associated with a search for and classification of the applicant's

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1 fingerprints, **but may retain the federally allowable part of the**  
2 **federal fee in accordance with section 28 of this chapter.** The  
3 department may forward fingerprints submitted by an applicant to the  
4 Federal Bureau of Investigation or any other agency for processing.  
5 The state personnel department or the agency to which the applicant is  
6 applying for employment or a license may receive the results of all  
7 fingerprint investigations.

8 (b) An applicant who is an employee of the state may not be charged  
9 under subsection (a).

10 (c) Subsection (a)(1) does not apply to an employee of a contractor  
11 of the state if the contract involves the construction or repair of a  
12 capital project or other public works project of the state.

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