

**§247. Criminal history background checks for State Auditor employees**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Public Safety, State Bureau of Identification. [PL 2019, c. 416, §1 (NEW).]

B. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation. [PL 2019, c. 416, §1 (NEW).]

C. "Office" means the Office of the State Auditor. [PL 2019, c. 416, §1 (NEW).]

D. "State Police" means the Department of Public Safety, Bureau of State Police. [PL 2019, c. 416, §1 (NEW).]

[PL 2019, c. 416, §1 (NEW).]

**2. Criminal history; information about criminal records and data obtained.** The office shall obtain in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System, created pursuant to Title 16, section 631, and the Federal Bureau of Investigation for any person employed by or who may be offered employment by the office to comply with the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies.

[PL 2019, c. 416, §1 (NEW).]

**3. Fingerprint-based criminal history obtained.** A person employed by the office shall consent to having the person's fingerprints taken. A person who may be offered employment by the office shall consent to and have the person's fingerprints taken prior to being employed by the office. The Maine State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the department so that the department may conduct a state and national criminal history record check on the person. The department shall forward the results obtained to the office. The fee charged to the office by the Maine State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Maine State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the department.

[PL 2019, c. 416, §1 (NEW).]

**4. Reliance on criminal history record information.** The office may rely on the information from the department under subsection 3 for 24 months after receiving the information.

[PL 2019, c. 416, §1 (NEW).]

**5. Updates to information.** The office may request a subsequent criminal background check under subsection 3 on an employee or a person who may be offered employment by the office as the office determines appropriate, including receiving continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

[PL 2019, c. 416, §1 (NEW).]

**6. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsection 7.

[PL 2019, c. 416, §1 (NEW).]

**7. Use of information obtained.** Criminal history record and fingerprint information obtained pursuant to this section may be used by the office to screen an employee and a person who may be offered employment by the office for employment purposes. The subject of any criminal background

check search under subsection 3 may contest any negative decision made by the office based upon the information received pursuant to the criminal background check.

[PL 2019, c. 416, §1 (NEW).]

**8. Person's access to information obtained.** A person subject to a criminal background check pursuant to subsection 3 must be notified each time a criminal background check is performed on the person. A person subject to a criminal background check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal background check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

[PL 2019, c. 416, §1 (NEW).]

**9. Right of subject to remove fingerprints from record.** Upon request from an applicant for employment by the office who was fingerprinted but not hired or a former employee of the office, the department shall remove the applicant's or former employee's fingerprints from the department's records and provide written confirmation of the removal to the applicant or former employee.

[PL 2019, c. 416, §1 (NEW).]

#### SECTION HISTORY

PL 2019, c. 416, §1 (NEW).

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