

AMENDMENTS TO LB 97

(Amendments to E & R amendments, ER8094)

Introduced by Stuthman, 22.

1 1. Insert the following new section:

2 Sec. 30. (1) No individual who has been convicted of a
3 felony or of any crime involving moral turpitude, or who has been
4 charged with or indicted for a felony or crime involving moral
5 turpitude and there has been no final resolution of the prosecution
6 of the crime, shall provide transportation services under contract
7 with the Department of Health and Human Services, whether as an
8 employee or as a volunteer, for vulnerable adults as defined in
9 section 28-371 or for persons under nineteen years of age.

10 (2) In order to assure compliance with subsection (1)
11 of this section, any individual who will be providing such
12 transportation services to such vulnerable adults or persons under
13 nineteen years of age and any individual who is providing such
14 services on the effective date of this act shall be subject
15 to a national criminal history record information check by the
16 Department of Health and Human Services through the Nebraska State
17 Patrol.

18 (3) In addition to the national criminal history record
19 information check required in subsection (2) of this section,
20 all individuals employed to provide transportation services under
21 contract with the Department of Health and Human Services to
22 vulnerable adults or persons under nineteen years of age shall

1 submit to a national criminal history record information check
2 every two years during the period of such employment.

3 (4) Individuals shall submit two full sets of
4 fingerprints to the Nebraska State Patrol to be submitted to
5 the Federal Bureau of Investigation for the national criminal
6 history record information check required under this section. The
7 individual shall pay the actual cost of fingerprinting and the
8 national criminal history record information check.

9 (5) (a) Individuals shall authorize release of the results
10 and contents of a national criminal history record information
11 check under this section to the employer and the Department of
12 Health and Human Services as provided in this section.

13 (b) The Nebraska State Patrol shall not release the
14 contents of a national criminal history record information check
15 under this section to the employer or the individual but shall only
16 indicate in writing to the employer and the individual whether the
17 individual has a criminal record.

18 (c) The Nebraska State Patrol shall release the results
19 and the contents of a national criminal history record information
20 check under this section in writing to the department in accordance
21 with applicable federal law.

22 (6) The Department of Health and Human Services may
23 develop and implement policies that provide for administrative
24 exceptions to the prohibition in subsection (1) of this section,
25 including, but not limited to, situations in which relatives of
26 the vulnerable adult or person under nineteen years of age provide
27 transportation services for such vulnerable adult or person under

1 nineteen years of age or situations in which the circumstances
2 of the crime or the elapsed time since the commission of the
3 crime do not warrant the prohibition. Any decision made by the
4 department regarding an administrative exception under this section
5 is discretionary and is not appealable.

6 (7) An individual who does not comply with this section
7 is guilty of a Class V misdemeanor.

8 2. Renumber remaining sections and correct internal
9 references accordingly.