

**ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009**  
**COMMITTEE STATEMENT**  
**LB290**

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**Hearing Date:** Wednesday January 28, 2009  
**Committee On:** Health and Human Services  
**Introducer:** Stuthman  
**One Liner:** Require criminal history background checks on individuals who transport vulnerable adults and children under contracts with the Department of Health and Human Services

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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<b>Proponents:</b> Sen. Stuthman Nikki Swope Cheryl Johnson Todd Landry	<b>Representing:</b> Introducer Foster Care Review Board Foster Care Review Board Department of Health and Human Services
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<b>Opponents:</b>	<b>Representing:</b>
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<b>Neutral:</b>	<b>Representing:</b>
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**Summary of purpose and/or changes:**

LB 290 prohibits any person who has been convicted of a felony or of any crime involving moral turpitude from providing transportation services under contract to the Department of Health and Human Services (department), whether as an employee or volunteer, for vulnerable adults as defined in section 28-371 or for persons under nineteen years of age.

The department may provide for administrative exceptions to the prohibition. Any decision of the department to grant or deny an exception is not appealable.

Any person who provides transportation services to vulnerable adults or persons under nineteen years of age must submit to a national criminal history record information check by the department. Such persons are required to (1) provide two sets of fingerprints to the Nebraska State Patrol to be submitted to the Federal Bureau of Investigation for such check, (2) authorize release of the results of the check to the department, and (3) pay the cost of the fingerprinting and the cost of the criminal history record information check. The Nebraska State Patrol must provide results of the check to the department in writing.

Any person who fails to comply with provisions of the bill is guilty of a Class V misdemeanor.

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**Explanation of amendments:**

The committee amendment (AM 293) replaces the bill as introduced and makes the following changes:

1. Makes technical and clarifying changes.
  2. Expands the prohibition in the bill against providing transportation services to vulnerable adults or persons under
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nineteen years of age. Prohibits persons who have been charged with or indicted for a felony or crime involving moral turpitude and there has been no final resolution of the prosecution of the crime from providing such transportation services to such persons.

3. Requires persons providing such transportation services on the effective date of the bill to submit to a criminal history record information check as well as those who seek to provide such services after the effective date of the bill.

4. Requires employees who provide such transportation services to such persons to submit to a criminal history record information check every two years during the period of their employment.

5. Clarifies provisions relating to the release of contents and results of a criminal history record information check. The Nebraska State Patrol is prohibited from releasing the contents of a criminal history record information check to the employer and the individual providing the transportation services, but may only indicate in writing whether the individual has a criminal record.

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Tim Gay, Chairperson