

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 290

Introduced by Stuthman, 22.

Read first time January 15, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to motor carriers; to require fingerprints and
2 criminal history record information checks of individuals
3 who transport vulnerable adults and vulnerable children.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) No individual, whether as an employee or
2 as a volunteer, who provides transportation services under contract
3 to the Department of Health and Human Services who has been
4 convicted of a felony or of any crime involving moral turpitude
5 shall provide such transportation services for vulnerable adults as
6 defined in section 28-371 or for persons under nineteen years of
7 age.

8 (2) In order to assure compliance with subsection (1)
9 of this section, an individual providing such transportation
10 services for vulnerable adults or for such minors shall be subject
11 to a national criminal history record information check by the
12 Department of Health and Human Services through the Nebraska State
13 Patrol. The individual shall submit two full sets of fingerprints
14 to the Nebraska State Patrol to be submitted to the Federal
15 Bureau of Investigation for a national criminal history record
16 information check. The individual shall authorize release of the
17 results of the national criminal history record information check
18 to the department. The individual shall pay the actual cost of
19 fingerprinting and the national criminal history record information
20 check. The Nebraska State Patrol shall inform the department, in
21 writing, of the results of the national criminal history record
22 information check.

23 (3) The Department of Health and Human Services may
24 develop policies that provide for administrative exceptions to the
25 prohibition set forth in subsection (1) of this section, including,

1 but not limited to, situations in which relatives of the vulnerable
2 adult or person under nineteen years of age provide transportation
3 services for such vulnerable adult or person or situations in which
4 the circumstances of the crime or elapsed time since the commission
5 of the crime do not warrant the prohibition. Any decision made
6 by the department granting or denying an administrative exception
7 under its policies is discretionary and is not appealable.

8 (4) An individual who does not comply with this section
9 is guilty of a Class V misdemeanor.