

HOUSE RESEARCH

Bill Summary

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Subject: Electronic Security System Owner and Employee Background Check

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Overview

The bill requires criminal background checks for (1) electronic security system company owners and employees who have access to security systems, and (2) holders of certain electrician and contractor licenses who do electronic security system work.

Section

1 Electronic security system companies; background checks; criminal penalties.

Subd. 1. Definitions. Defines "disqualifying crime" to mean all felonies and specified gross misdemeanors. Defines "electronic security system," "electronic security system company," "electronic security system company hiring authority," and "employee." "Employee" is someone with access to electronic security systems. The "disqualifying crime" specified gross misdemeanors are:

- ▶ 609.2336 - Deceptive or unfair trade practices; elderly or handicapped victims
- ▶ 609.52 - Theft
- ▶ 609.5631 - Fourth degree arson
- ▶ 609.582 - Fourth degree burglary
- ▶ 609.652, subd. 2 - Fraudulent drivers' licenses and identification cards
- ▶ 609.66 - Dangerous weapons offenses
- ▶ 609.746 - Interference with privacy
- ▶ 609.749 - Harassment; stalking
- ▶ 609.891 - Unauthorized computer access

Section

Subd. 2. Bureau of criminal apprehension; background check; report. Requires the BCA to perform a background check if requested under subdivision 3 or 4. The purpose is to determine whether an individual was convicted of a disqualifying crime and has not been pardoned. Requires the BCA to notify the requester of the background check results.

For a subject who has not lived in this state at least five years, or on request of the hiring authority, provides for a national search or a search in other states where the individual lived within the past five years. Authorizes exchanging fingerprints with the FBI to do the check. Requires the BCA to notify the employer or the licensing board whether the background check subject is eligible for employment or licensure.

Subd. 3. Board of electricity licensure and endorsement; background check; fee. Requires an individual who seeks a security system endorsement to an electrician or electrical contractor's license to undergo a check. If a firm is being licensed, the officers, partners, or members who have access to electronic security systems must be checked. The license applicant asks the BCA to do the check and report results to the board. The applicant pays for the background check.

Requires the board to deny an application for endorsement or revoke an existing endorsement if the BCA sends written notice that the person is not eligible. Requires the board to revoke a license if a licensee continues to perform security system work after being denied an endorsement or having an endorsement revoked. Lets the licensee challenge the background check results under the government data practices act.

Subd. 4. Employee background check required. Requires an electronic security system company hiring authority to have the BCA do a background check on covered employees it hires. Requires a subsequent check every two years after hiring.

Requires an employer to give the employee a copy of background check results, also keep the results in the individual's personnel file, and return the report to the individual if he or she leaves employment

Requires the employer to pay the back for the background check. Allows the employer to require the employee to reimburse the cost.

Subd. 5. Exception; certain background checks. Lets an electronic security system company hiring authority use background check results done for another company if (1) the check complies with subdivision 2; (2) the results of the other check are accessible; (3) the check was done in the past two years; (4) the employee authorizes access to the other results or provides a copy of them; and (5) the hiring authority has no reason to believe the individual has been convicted of a disqualifying crime since the check was done.

Subd. 6. Conditional hiring; discharge. An individual may be hired contingent on passing the background check. The employee must be notified he or she will be terminated if the check shows ineligibility to be hired. The hiring authority is not liable for discharging an individual under this provision.

Subd. 7. Current employees; discharge. Authorizes a hiring authority to discharge a current employee if the BCA provides notice that the employee is not eligible under

Section

this section. The hiring authority is not liable for discharging an individual under this provision.

Subd. 8. Misdemeanor penalty. Makes it a misdemeanor for (1) a hiring authority to fail to request required background checks or (2) a license applicant to fail to apply for the required security system endorsement.

- 2** **Electronic security system endorsement.** Amends the electrician licensing statute parallel to the provisions of section 1, subd. 3. A person seeking a license who performs the electronic security system work covered by the bill must have an electronic security system endorsement on the license. Requires the board of electricity to (1) issue the endorsement on receipt of a written report from the BCA that shows the person is eligible; or (2) deny or revoke endorsement on receipt of a written BCA report that shows the person is ineligible.

Requires the board to revoke a license if a person continues to perform electronic security system work after being denied an endorsement or having it revoked. Lets the licensee challenge the background check results under the government data practices act.

- 3** **Electronic security system endorsement.** Amends the statute on licensure of electrical contractors parallel to section 2.

- 4** **Effective date; application.** Section 1 is effective July 1, 2003 and applies to applicants for license endorsement and covered individuals offered employment on or after that date.

By September 1, 2003, employees hired before the effective date must have a check done. By July 1, 2004, a background check must be done on individuals who received an electrician or electrical contractor's license before the effective date.

The criminal penalty applies to crimes committed on or after the effective date.