

§9056. New event monitoring; rap back monitoring program

1. New disqualifying offenses. A direct access worker's data must be searched and monitored for new events that may disqualify the individual from employment as a direct access worker.

A. The department shall establish procedures regarding the exchange of data among federal or state criminal justice agencies and the Background Check Center, including criminal offenses not reported in earlier background check reports that upon final disposition disqualify the individual from employment as a direct access worker. [PL 2015, c. 299, §25 (NEW).]

B. The department shall establish procedures to search and monitor applicable registries and databases for notations or new information not reported in earlier background check reports that prohibit or disqualify employment as a direct access worker. [PL 2015, c. 299, §25 (NEW).]
[PL 2015, c. 299, §25 (NEW).]

2. Rap back monitoring program. The bureau is authorized to initiate and provide services pursuant to federal or state rap back monitoring to report new criminal record events to the Background Check Center for noncriminal justice purposes. The bureau is authorized as the State's noncriminal justice submitting entity for federal rap back monitoring. Requests under the rap back monitoring program include the following procedures:

A. The noncriminal justice submitting entity submits to an electronic repository biometric identifier data of a direct access worker; [PL 2023, c. 241, §71 (NEW).]

B. The electronic repository retains the biometric identifier data for a period of time specified in the State's subscription with the electronic repository; and [PL 2023, c. 241, §71 (NEW).]

C. The electronic repository notifies the noncriminal justice submitting entity of any new criminal record events tied to the biometric identifier data that may disqualify an individual from continued employment as a direct access worker. [PL 2023, c. 241, §71 (NEW).]
[PL 2023, c. 241, §71 (AMD).]

3. Collection of identifier data. The bureau shall coordinate with the Background Check Center to collect the personally identifiable information and biometric identifier and relevant data of individuals as needed to meet the requirements of the rap back monitoring program or as otherwise required by this chapter and other laws.
[PL 2023, c. 241, §72 (AMD).]

4. Dissemination and storage of data. The Background Check Center and the bureau shall follow protocols established by federal or state law for the use and exchange of information with the rap back monitoring program, the Background Check Center and criminal justice agencies as applicable. The bureau shall:

A. Maintain the personally identifiable information and biometric identifier data in the criminal history records repository; [PL 2023, c. 241, §73 (AMD).]

B. Compare the personally identifiable data, biometric identifier data or other data to criminal records to conduct a criminal record check and disseminate the results of this record check to authorized entities; [PL 2023, c. 241, §74 (AMD).]

C. Exchange data through the rap back monitoring program with the Background Check Center for noncriminal justice purposes; [PL 2015, c. 299, §25 (NEW).]

D. Disseminate criminal record event information, including notifications from the rap back monitoring program, to an authorized entity or in a manner consistent with the requirements of this chapter and federal and state laws; and [PL 2015, c. 299, §25 (NEW).]

E. Secure and coordinate services as needed to effect the provisions and purposes of this chapter.
[PL 2015, c. 299, §25 (NEW).]

[PL 2023, c. 241, §§73, 74 (AMD).]

SECTION HISTORY

PL 2015, c. 299, §25 (NEW). PL 2023, c. 241, §§71-74 (AMD).

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