

SUMMARY

Barrier crimes. Eliminates certain crimes from the definition of "barrier crime" and requires the Department of Behavioral Health and Developmental Services, the Department of Education, the Department of Health, and the Department of Social Services to each develop and implement a waiver process for individuals who are employed by or volunteer with, or who seek to be employed by or to volunteer with, the qualified entities that each agency oversees and who have been convicted of a barrier crime. The bill eliminates current exceptions and time limit mandates, as such information shall be set out in each agency's waiver process. The bill provides that the process by which a barrier crime may be waived shall be made available to the public and set out on each department's website in a visible location that is easily accessible and shall include: (i) if applicable, which barrier crimes are eligible to be waived; (ii) whether there is a requirement regarding how much time has elapsed since the conviction; (iii) if an individual is granted a waiver, procedures for how such information is documented within an individual's record of employment or volunteer service and disseminated to the appropriate persons within the department; and (iv) any other factors the department deems necessary for consideration. The bill requires an individual who has been granted a waiver but is convicted of a separate and subsequent barrier crime after receiving such waiver to notify the department of such conviction no later than 10 business days after conviction and requires a separate waiver for any subsequent conviction of a barrier crime. The bill also provides that if an individual has been granted a waiver, a qualified entity or business screening service shall not discharge or in any other manner discriminate against such individual for any reason concerning solely the conviction that was subject to the waiver, and the bill adds penalties against qualified entities or business screening services that violate such mandate. Additionally, the bill eliminates the state-level barrier crimes requirements for foster and adoptive parents and provides that a child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of crimes prohibited under federal law or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to state and federal law. The provisions of the bill that apply to the Department of Health have a delayed effective date of July 1, 2024.