

## SUMMARY

**Barrier crimes.** Eliminates certain crimes from the definition of "barrier crime" and requires the State Board of Behavioral Health and Developmental Services, the Board of Education, the State Board of Health, and the State Board of Social Services to each adopt regulations that develop and implement a waiver process for individuals who have been convicted of a barrier crime and who serve in a position or seek to serve in a position with any qualified entity subject to the regulations of the board. The bill eliminates current exceptions and time limit mandates, as such information is required to be set out in each agency's waiver process. The bill sets out information to be included in the regulations of the individual boards. The bill also directs the Departments of Behavioral Health and Developmental Services, Education, Health, and Social Services to each publish information about the agency's waiver process in an easily accessible format on a website maintained by the department. The bill includes additional requirements for each waiver process, such as if an individual's application for a waiver is denied, the department must state the basis for denial in writing and provide such explanation to the individual. The bill provides that although a waiver granted to an individual by one department shall not be transferrable to a position under another department, proof of receipt of a waiver from one department shall be considered positively by another department when reviewing an application for a waiver. Additionally, each department is required to notify the Department of State Police when a waiver has been granted within 10 days of issuing the decision in writing to the person who was subject to the waiver.

In cases where a waiver has been granted, the bill also prohibits any business screening service from disseminating information regarding the barrier crime conviction that was the subject of such waiver unless it is clearly indicated that the waiver was granted, and the bill sets out a penalty for any business screening service that violates that prohibition. The bill prohibits any qualified entity from discharging or otherwise discriminating against a person for any reason concerning solely the barrier crime conviction that was the subject of a waiver that has been granted. The bill also exempts all documents relating to a waiver application from the Virginia Freedom of Information Act except for an application cover sheet and whether the waiver has been granted or denied or if the application is pending.

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 bill has a delayed effective date of July 1, 2025; however, the provisions related to foster and adoptive parents become effective on July 1, 2022. The bill also requires the Secretaries of Education, Health and Human Resources, and Labor to provide recommendations on the development of a navigation system no later than July 1, 2024, for assisting applicants in navigating the waiver processes across each department. Individuals with barrier crime convictions serving in a position pursuant to a currently existing exception, waiver, or screening process that the bill eliminates shall continue to be subject to such exception, waiver, or screening process and shall not be terminated upon enactment of the bill or required to apply for a barrier crime conviction waiver so long as he serves in such position. The bill also permits the boards to have a phased implementation of the regulations not to exceed two years after the bill's enactment in order to prevent overwhelming department resources for receiving applications and to ensure that applications are answered in a timely manner. The bill also directs the Department of State Police to implement any necessary enhancements to the Criminal History and Rap Back Information System by July 1, 2025.