

ENGROSSED SENATE
BILL NO. 384

By: Brown of the Senate

and

Boyd (Laura) of the House

[children and crimes and punishments - criminal
history and investigation -
effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 404.1, as amended by Section 4, Chapter 122, O.S.L. 1993 (10 O.S. Supp. 1994, Section 404.1), is amended to read as follows:

Section 404.1 A. The owner or administrator of a child care facility, other than a foster family home or a day care center, providing full-time care or twenty-four-hour supervised care shall arrange, prior to employment, for a criminal history investigation conducted by the Oklahoma State Bureau of Investigation for an applicant for employment.

B. Every owner or administrator of a day care center and a family day care home shall arrange, prior to employment, for a criminal history investigation conducted by the Oklahoma State Bureau of Investigation for an applicant for employment and for any adult residing in a family day care home.

C. A conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

D. Information received pursuant to this section by an owner or administrator of a child care facility or a day care center shall be maintained in a confidential manner, in a file that is separate from employment records, and may be transmitted to the Office of Child Care within the Department of Human Services for child care facility licensing purposes. Whenever an applicant is subsequently employed by ~~said~~ the owner or administrator of a child care facility or a day care center, ~~said~~ such information shall not be made a part of that individual's personnel records; provided, however, the information may be released to another child care facility or day care center in response to a request from an owner or administrator of a child care facility or day care center who is considering the individual for employment in a position that requires direct contact with children. Information to be covered by this section shall include, but not be limited to, information received by an owner or administrator pursuant to the criminal history investigation conducted by the Oklahoma State Bureau of Investigation, and any other information relevant to the individual's ability to perform tasks that require direct contact with children.

E. A criminal history investigation conducted by the Oklahoma State Bureau of Investigation shall include a search of Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, Section 581 et seq. of Title 57 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 1995.

Passed the Senate the 22nd day of February, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker

of the House of
Representatives