

ENGROSSED HOUSE
BILL NO. 1247

By: Nance of the House

and

Crain of the Senate

An Act relating to labor; requiring certain employers to obtain criminal history records; prohibiting certain employees from making in-home visits; providing penalty; providing definitions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 570 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Any employer doing business in this state that requires an employee to make in-home visits to a customer shall obtain a criminal history record from the Oklahoma State Bureau of Investigation on every employee that makes in-home visits. The criminal history record shall only cover the last five (5) years from the date the information was obtained. A new hire by the employer shall also be cause for the employer to request a criminal history record.

B. Any felony conviction discovered within the last five (5) years on an employee shall prohibit that employee from making any in-home visits to customers, if that conviction is of an offense enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes or an offense in another jurisdiction that would be classified in a category as described in Section 13.1 of Title 21 of the Oklahoma Statutes.

C. Any employer convicted of violating the provisions of this section shall be guilty of a misdemeanor and subject to a fine not exceeding One Hundred Dollars (\$100.00) for each violation.

D. As used in this section:

1. "Employer" means any person doing business in this state that employs a person licensed pursuant to an occupation listed in Title 59 of the Oklahoma Statutes and requires that employee to make in-home visits; and

2. "In-home visit" means an employee is required to enter the residence of the customer in order to perform the service.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 17th day of February, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate