

1 SB176  
2 181906-1  
3 By Senator Scofield  
4 RFD: Governmental Affairs  
5 First Read: 14-FEB-17

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8 SYNOPSIS: In order to continue receiving federal tax  
9 information from the Internal Revenue Service, the  
10 Service's guidelines now require that state  
11 departments conduct criminal history records checks  
12 by the Federal Bureau of Investigation on state  
13 employees and contractors who have access to  
14 federal tax information. Pursuant to the  
15 requirements of Public Law 92-544, states must  
16 authorize criminal history records checks by the  
17 Bureau on employees or contractors through  
18 legislation.

19 This bill will authorize state departments  
20 and agencies to process Bureau history checks on  
21 employees and contractors through the procedures of  
22 the Alabama Law Enforcement Agency.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
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1           To authorize state departments and agencies with  
2 access to federal tax information to process Bureau history  
3 checks on employees and contractors through the procedures of  
4 the Alabama Law Enforcement Agency; to provide for the  
5 authorization of a fee; to authorize the establishment of  
6 agency policy.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Pursuant to the requirements of Public  
9 Law 92-544, the states may conduct a nationwide criminal  
10 history background check on state employees and contractors  
11 for the purpose of determining whether an employee or  
12 contractor who has access to federal tax information has been  
13 convicted of a crime that would warrant denying the employee  
14 or contractor access to the federal tax information. For the  
15 purposes of this statute, federal tax information includes tax  
16 return or tax return information received directly from the  
17 Internal Revenue Service or obtained through an authorized  
18 secondary source. A state department or agency shall require  
19 each applicant for a position of employment with the  
20 department or agency and all current employees and contractors  
21 of the department or agency who have access to federal tax  
22 information to (1) state in writing whether such applicant,  
23 employee or contractor has ever been convicted of a crime or  
24 whether criminal charges are pending against such applicant,  
25 employee or contractor and, if so, to identify the charges and  
26 court in which such charges are pending, and (2) be

1 fingerprinted and submit to state and national criminal  
2 history records checks.

3 (a) State and national criminal history records  
4 checks shall be requested by the department or agency from the  
5 Alabama Law Enforcement Agency (hereinafter ALEA) and shall be  
6 applicable to the individual identified in the request. The  
7 department or agency shall arrange for the fingerprinting of  
8 the individual or for conducting any other method of positive  
9 identification required by ALEA. The request shall also  
10 specify whether a national criminal history records check is  
11 requested by the Federal Bureau of Investigation on the  
12 specified individual in addition to a state criminal history  
13 records check. ALEA shall submit the fingerprints or other  
14 positive identifying information to the Federal Bureau of  
15 Investigation for a national criminal history records check  
16 when requested by a department or agency. The results of the  
17 state and national criminal history records checks shall be  
18 returned to the department or agency by ALEA.

19 (b) Any criminal history reports received by a  
20 department or agency from ALEA shall be marked confidential  
21 and shall not be disclosed or made available for public  
22 inspection. All criminal history reports are specifically  
23 excluded from any requirement of public disclosure as a public  
24 record.

25 (c) The Secretary of ALEA may charge fees to a  
26 department or agency for conducting state and national  
27 criminal history records checks.

1                   (d) In conjunction with making criminal history  
2 records checks, each department or agency with access to  
3 federal tax information shall establish a policy in  
4 determining which criminal elements would result in preventing  
5 or removing an employee's or contractor's access to federal  
6 tax information in the hands of the department or agency.

7                   Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or upon its otherwise becoming law.