

WHAT IS THE PROCESS FOR REQUESTING A CRIMINAL BACKGROUND CHECK?

The Vermont Legislature passed a law (S. 246, Act 165) in the last legislative session that makes it easier for municipalities to acquire criminal background checks. Previously, municipalities could only obtain an in-state criminal conviction record by first providing the Vermont Criminal Information Center (VCIC) with a written release from an applicant for employment or a volunteer position, filing a user's agreement with the VCIC and offering the position conditioned on the results of the background check. Out-of-state criminal conviction records were limited to qualified entities providing care of services to children, the elderly or persons with disabilities.

The new law still requires municipalities to enter into a user's agreement with VCIC prior to receiving an in-state criminal conviction record, but no longer requires municipalities to first obtain a written release from applicants or make a conditional offer of employment. After municipalities have filed their user agreements, they may now immediately access criminal conviction records by utilizing VCIC's online service. While the fee for record requests will increase from \$20 to \$30 on July 1, 2009, qualified entities that provide care of services to children, the elderly or persons with disabilities may make requests free of charge. Municipalities seeking exemption from the fee must first apply in writing to VCIC to officially be designated a "qualified entity." The law still prohibits municipalities from requiring applicants to obtain or pay for a copy of their own criminal conviction records. 20 V.S.A. § 2056c.

VCIC will conduct national criminal conviction record requests through the Federal Bureau of Investigation for qualified entities upon submission of a user's agreement, conditional offer of employment and written release.

For further information, visit VCIC's website at <http://www.dps.state.vt.us/cjs/recordcheck/>

VLCT recommends both criminal and civil background checks to gain a more complete history of a candidate for employment, whether paid or volunteer.

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