

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 857**

Short Title: Area Mental Health Background Check.

(Public)

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Sponsors: Representative Alexander.

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Referred to: Mental Health.

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March 29, 2001

A BILL TO BE ENTITLED

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2 AN ACT TO CLARIFY THAT AN AREA MENTAL AUTHORITY THAT HAS  
3 ACCESS TO THE CRIMINAL RECORDS DATA BANK MAY OBTAIN THE  
4 REQUIRED CRIMINAL HISTORY RECORD CHECK THROUGH THE DATA  
5 BANK.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-80(b) reads as rewritten:

8 "(b) Requirement. – An offer of employment by an area authority licensed under  
9 this Chapter to an applicant to fill a position that does not require the applicant to have  
10 an occupational license is conditioned on consent to a State and national criminal  
11 history record check of the applicant. If the applicant has been a resident of this State  
12 for less than five years, then the offer of employment is conditioned on consent to a  
13 State and national criminal history record check of the applicant. The national criminal  
14 history record check shall include a check of the applicant's fingerprints. If the applicant  
15 has been a resident of this State for five years or more, then the offer is conditioned on  
16 consent to a State criminal history record check of the applicant. An area authority shall  
17 not employ an applicant who refuses to consent to a criminal history record check  
18 required by this section. ~~Within~~ Except as otherwise provided in this subsection, within  
19 five business days of making the conditional offer of employment, an area authority  
20 shall submit a request to the Department of Justice under G.S. 114-19.10 to conduct a  
21 criminal history record check required by this section. A county that has adopted an  
22 appropriate local ordinance and has access to the Division of Criminal Information data  
23 bank may conduct on behalf of an area authority a State criminal history record check  
24 required by this section without the area authority having to submit a request to the  
25 Department of Justice. In such a case, the county shall commence with the State  
26 criminal history record check required by this section within five business days of the  
27 conditional offer of employment by the area authority. All criminal history information

- 1 received by the area authority is confidential and may not be disclosed, except to the  
2 applicant as provided in subsection (c) of this section."  
3           **SECTION 2.** This act is effective when it becomes law.