

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 698  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH70243-Mdf-77 (03/27)

Short Title: Background Checks for Firefighters. (Public)

Sponsors: Representatives Saine, Ramsey, and Boles (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE CRIMINAL HISTORY CHECKS FOR CURRENT  
3 VOLUNTEERS OR PAID FIRE DEPARTMENT PERSONNEL AND EMERGENCY  
4 MEDICAL SERVICES PERSONNEL.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 114-19.12 reads as rewritten:

7 "§ 114-19.12. Criminal history record checks of applicants to and current members of fire  
8 departments and emergency medical services.

9 (a) Definitions. – The following definitions apply in this section:

10 ...

11 (3) Current member. – A person who serves in a paid or volunteer position with  
12 a fire department or an emergency medical service.

13 (b) When requested by a designated local Homeland Security director a local fire chief,  
14 a county fire marshal, or an emergency services director or, when there is no designated local  
15 Homeland Security director, local fire chief, county fire marshal, or emergency services  
16 director, by a local law enforcement agency, the North Carolina Department of Justice may  
17 provide to the requesting director, chief, marshal, director, or agency an applicant's or current  
18 member's criminal history from the State and National Repositories of Criminal Histories. The  
19 local Homeland Security director, local fire chief, marshal, director, or local law enforcement  
20 agency shall provide to the North Carolina Department of Justice the fingerprints of the  
21 applicant to be checked, any additional information required by the Department of Justice, and  
22 a form signed by the applicant to be checked consenting to the check of the criminal record and  
23 to the use of fingerprints and other identifying information required by the State or National  
24 Repositories. The fingerprints of the individual shall be forwarded to the State Bureau of  
25 Investigation for a search of the State criminal history record file, and the State Bureau of  
26 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a  
27 national criminal history record check. The local Homeland Security director, local fire chief,  
28 county fire marshal, emergency services director, or local law enforcement agency shall keep  
29 all information pursuant to this section confidential. The Department of Justice shall charge a  
30 reasonable fee for conducting the checks of the criminal history records authorized by this  
31 section.

32 ...

33 (d) If the applicant's or current member's verified criminal history record check reveals  
34 one or more convictions covered under subdivision (a)(2) of this section, then the conviction  
35 shall constitute just cause for not selecting the applicant for the position or for dismissing the  
36 ~~person~~ current member from a current position with the local fire department or emergency



1 medical services. The conviction shall not automatically prohibit volunteering or employment;  
2 however, the following factors shall be considered by the local Homeland Security director,  
3 local fire chief, county fire marshal, emergency services director, or local law enforcement  
4 agency in determining whether the position shall be ~~denied~~denied or the current member  
5 dismissed from a current position:

- 6 (1) The level and seriousness of the crime;
- 7 (2) The date of the crime;
- 8 (3) The age of the person at the time of the conviction;
- 9 (4) The circumstances surrounding the commission of the crime, if known;
- 10 (5) The nexus between the criminal conduct of the person and the duties of the  
11 person;
- 12 (6) The prison, jail, probation, parole, rehabilitation, and employment records of  
13 the person since the date the crime was committed; and
- 14 (7) The subsequent commission by the person of a crime listed in subsection (a)  
15 of this section.

16 (e) The local fire department or emergency medical services may deny the applicant or  
17 current member the position or dismiss an applicant or current member who refuses to consent  
18 to a criminal history record check or use of fingerprints or other identifying information  
19 required by the State or National Repositories of Criminal Histories. This refusal constitutes  
20 just cause for the denial of the position or the dismissal from ~~the~~ a current position.

21 ...."

22 **SECTION 2.** This act becomes effective October 1, 2013.