

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS45157-MQf-5 (04/10)

Short Title: Criminal Background Check for Notaries Public. (Public)

Sponsors: Senator Bingham (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR COMMISSIONING
3 OF NOTARIES PUBLIC.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 10B-5 reads as rewritten:

6 "§ 10B-5. Qualifications.

7 ...

8 (b) A person qualified for a notarial commission shall meet all of the following
9 requirements:

10 ...

11 (10) Consent to a statewide criminal record name check to be conducted by the
12 Department of Justice in accordance with G.S. 114-19.35.

13 ...

14 (d) The Secretary may deny an application for commission or recommission if any of
15 the following apply to an applicant:

16 ...

17 (8) Failure to consent to a statewide criminal record name check, including
18 failure to provide any information needed by the Department of Justice in
19 accordance with G.S. 114-19.35."

20 SECTION 2. G.S. 10B-7 reads as rewritten:

21 "§ 10B-7. Statement of personal qualification.

22 (a) The application for a notary commission shall include at least all of the following:

23 ...

24 (13) A signed form granting consent for a statewide criminal record name check
25 and for the use of any necessary identifying information required by the
26 Department of Justice in accordance with G.S. 114-19.35.

27 (b) The information provided in an application that relates to subdivisions (2), (3), (6),
28 (7), and ~~(7)~~-(13) of subsection (a) of this section shall be considered confidential information
29 and shall not be subject to disclosure under Chapter 132 of the General Statutes."

30 SECTION 3. G.S. 10B-13 reads as rewritten:

31 "§ 10B-13. Application fee.

32 Every applicant for a notary commission shall pay to the Secretary a nonrefundable
33 application fee of fifty dollars ~~(\$50.00)~~-(50.00), plus any fees, not exceeding ten dollars
34 (\$10.00), charged to the Secretary for a statewide criminal record name check by the
35 Department of Justice."



1 **SECTION 4.** Article 4 of Chapter 114 of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 114-19.35. Criminal record checks of applicants for notary public commission and**
4 **recommission.**

5 (a) The Department of Justice may provide to the Secretary of State from the State
6 Repository of Criminal History, the results of a non-criminal justice background investigation
7 of any applicant for notary public commission or recommission.

8 (b) The Secretary of State shall provide to the Department of Justice, along with the
9 request, any information required by the Department of Justice and a form signed by the
10 individual to be checked consenting to the check of the criminal record and to the use of any
11 necessary identifying information required by the State Repository. The Secretary of State shall
12 keep all information obtained pursuant to this section confidential.

13 (c) The Department of Justice may charge a fee to offset the cost incurred by it to
14 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
15 locating, editing, researching, and retrieving the information."

16 **SECTION 5.** This act becomes effective October 1, 2014, and applies to
17 applications for commission or recommission made on or after that date.