

BE GUILTY OF PERJURY AND UPON CONVICTION IS SUBJECT TO THE PENALTY PROVIDED BY LAW.

5-567.

(A) THE FOLLOWING PERSONS OR AGENCIES SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY IN CONNECTION WITH THE CONDUCTING OF A CRIMINAL BACKGROUND INVESTIGATION UNDER THIS PART VI:

(1) AN EMPLOYER THAT IN GOOD FAITH RELIES ON A CRIMINAL BACKGROUND INVESTIGATION TO DENY OR TERMINATE AN INDIVIDUAL'S EMPLOYMENT OR PARTICIPATION IN A FACILITY;

(2) A STATE OR LOCAL AGENCY THAT IN GOOD FAITH RELIES ON A CRIMINAL BACKGROUND INVESTIGATION OF AN EMPLOYER TO DENY, SUSPEND, OR REVOKE LICENSURE, REGISTRATION, OR CERTIFICATION OF A FACILITY; AND

(3) A STATE OR LOCAL AGENCY THAT IN GOOD FAITH PARTICIPATES IN THE MAKING OF A CRIMINAL BACKGROUND INVESTIGATION OF AN EMPLOYEE OR EMPLOYER.

(B) THE FAILURE OF AN EMPLOYER TO REQUIRE A CRIMINAL BACKGROUND INVESTIGATION OF AN INDIVIDUAL WHEN NOT MANDATED UNDER THIS PART VI, MAY NOT GIVE RISE TO CIVIL OR CRIMINAL LIABILITY ON THE PART OF THE EMPLOYER FOR FAILURE TO CONDUCT A CRIMINAL BACKGROUND INVESTIGATION.

5-568.

ON OR BEFORE AUGUST 15, 1986, THE SECRETARY SHALL:

(1) PROVIDE FOR THE ADOPTION OF A SPECIFIED FORM OR FORMS TO BE USED IN APPLYING FOR THE CRIMINAL BACKGROUND INVESTIGATION TO BE ISSUED BY THE DEPARTMENT, INCLUDING AN APPROPRIATE DISCLOSURE STATEMENT;

(2) DESIGNATE THE APPROPRIATE STATE OR LOCAL LAW ENFORCEMENT OFFICES IN THE STATE, OR OTHER APPROVED LOCATIONS, WHERE FINGERPRINTS MAY BE OBTAINED AND APPLICATION FOR A CRIMINAL BACKGROUND INVESTIGATION MAY BE MADE; AND

(3) ADOPT RULES AND REGULATIONS NECESSARY AND REASONABLE TO ADMINISTER THIS PART VI OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act are prospective and shall apply only to an employee who is initially employed on or after October 1, 1986 and to an employer who operates a facility on or after October 1, 1986.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

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