

(C) FOR PURPOSES OF THIS PART VI, THE RECORD OF A CONVICTION FOR A CRIME IDENTIFIED IN § 5-564 OF THIS PART VI, OR A COPY THEREOF CERTIFIED BY THE CLERK OF THE COURT OR BY A JUDGE OF THE COURT IN WHICH THE CONVICTION OCCURRED, SHALL BE CONCLUSIVE EVIDENCE OF THE CONVICTION. IN A CASE WHERE A PENDING CHARGE IS RECORDED, DOCUMENTATION PROVIDED BY A COURT TO THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, THAT A PENDING CHARGE FOR A CRIME IDENTIFIED IN § 5-564 OF THIS PART VI WHICH HAS NOT BEEN FINALLY ADJUDICATED SHALL BE CONCLUSIVE EVIDENCE OF THE PENDING CHARGE.

(D) FAILURE OF THE INDIVIDUAL TO APPEAR AT THE SCHEDULED HEARING SHALL BE CONSIDERED GROUNDS FOR DISMISSAL OF THE APPEAL.

5-566.

AN INDIVIDUAL WHO FAILS TO DISCLOSE A CONVICTION OR THE EXISTENCE OF PENDING CHARGES FOR A CRIMINAL OFFENSE OR ATTEMPTED CRIMINAL OFFENSE AS REQUIRED UNDER § 5-563 OF THIS PART VI, SHALL 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;