

By: Senator(s) Ross

To: Public Health and Welfare

SENATE BILL NO. 2391

1 AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ALL FEES INCURRED IN COMPLIANCE WITH CHILD CARE
3 FACILITY CRIMINAL RECORDS BACKGROUND CHECK REQUIREMENTS SHALL BE
4 PAID BY THE CHILD CARE FACILITY AND NOT THE EMPLOYEE OR
5 PROSPECTIVE EMPLOYEE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 43-20-8, Mississippi Code of 1972, is
8 amended as follows:

9 43-20-8. (1) The licensing agency shall have powers and
10 duties as set forth below in addition to other duties prescribed
11 under this chapter:

12 (a) Promulgate rules and regulations concerning the
13 licensing and regulation of child care facilities as defined
14 herein;

15 (b) Have the authority to issue, deny, suspend, revoke,
16 restrict or otherwise take disciplinary action against licensees
17 as provided for in this chapter;

18 (c) Set and collect fees and penalties as provided for
19 in this chapter; and

20 (d) Have such other powers as may be required to carry
21 out the provisions of this chapter.

22 (2) Child care facilities shall assure that parents have
23 welcome access to the child care facility at all times.

24 (3) Child care facilities shall require that, for any
25 current or prospective caregiver, current criminal records
26 background checks and current child abuse registry checks are
27 obtained. In order to determine the applicant's suitability for
28 employment, the applicant shall be fingerprinted. If no



29 disqualifying record is identified at the state level, the
30 fingerprints shall be forwarded by the Department of Public Safety
31 to the FBI for a national criminal history record check.

32 (4) The licensing agency shall require to be performed a
33 criminal records background check and a child abuse registry check
34 for any and all operators of a child care facility and any person
35 living in a residence used for child care. In order to determine
36 the applicant's suitability for employment, the applicant shall be
37 fingerprinted. If no disqualifying record is identified at the
38 state level, the fingerprints shall be forwarded by the Department
39 of Public Safety to the FBI for a national criminal history record
40 check.

41 (5) The licensing agency shall have the authority to exclude
42 a particular crime or crimes or a substantiated finding of child
43 abuse and/or neglect as disqualifying individuals or entities for
44 prospective or current employment or licensure.

45 (6) The licensing agency and its agents, officers,
46 employees, attorneys and representatives shall not be held civilly
47 liable for any findings, recommendations or actions taken pursuant
48 to this section.

49 (7) All fees incurred in compliance with this section shall
50 be paid by the child care facility and shall not be the
51 responsibility of the current or prospective employee. The
52 licensing agency is hereby authorized to charge a fee which shall
53 include the amount required by the Federal Bureau of Investigation
54 for the national criminal history record check in compliance with
55 the Child Protection Act of 1993, as amended and any necessary
56 costs incurred by the licensing agency for the handling and
57 administration of the criminal history background checks.

58 SECTION 2. This act shall take effect and be in force from
59 and after July 1, 2001.

