SENATE BILL NO. 2391

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

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

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

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

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

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

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

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

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

(3) Child care facilities shall require that, for any current or prospective caregiver, current criminal records background checks and current child abuse registry checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no
disqualifying record is identified at the state level, the
fingerprints shall be forwarded by the Department of Public Safety
to the FBI for a national criminal history record check.

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

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

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

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

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