

By: Representatives Holland, Clarke

To: Public Health and Human Services

HOUSE BILL NO. 1485

1 AN ACT TO AMEND SECTION 37-33-157, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE THE DEPARTMENT OF REHABILITATION SERVICES TO
 3 FINGERPRINT AND PERFORM CRIMINAL BACKGROUND CHECKS ON PERSONS
 4 PERFORMING SERVICES FOR OR ON BEHALF OF THE DEPARTMENT; TO
 5 AUTHORIZE THE DEPARTMENT TO USE THE RESULTS OF THE FINGERPRINTING
 6 AND BACKGROUND CHECKS FOR THE PURPOSES OF EMPLOYMENT DECISIONS
 7 AND/OR ACTIONS AND SERVICE PROVISION TO CONSUMERS OF THE
 8 DEPARTMENT'S SERVICES; TO PROVIDE THAT THE DEPARTMENT AND ITS
 9 AGENTS, OFFICERS, EMPLOYEES, ATTORNEYS AND REPRESENTATIVES SHALL
 10 BE EXEMPT FROM LIABILITY FOR ANY FINDINGS, RECOMMENDATIONS OR
 11 ACTIONS TAKEN THROUGH THE USE OF THE RESULTS OF THE FINGERPRINTING
 12 AND BACKGROUND CHECKS; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 37-33-157, Mississippi Code of 1972, is
 15 amended as follows:

16 37-33-157. The Department of Rehabilitation Services shall
 17 provide the rehabilitation services authorized by law and by the
 18 rules, regulations and policies of the board to every individual
 19 determined to be eligible therefor, and in carrying out the
 20 purposes of this chapter the department is authorized, when
 21 consistent with the rules, regulations and policies of the State
 22 Board of Rehabilitation Services:

23 (a) To expend funds received either by appropriation or
 24 directly from federal or private sources;

25 (b) To cooperate with other departments, agencies and
 26 institutions, both public and private, in providing the services
 27 authorized by this chapter to disabled individuals, in studying
 28 the problems involved therein, and in establishing, developing and
 29 providing in conformity with the purposes of this chapter, such
 30 programs, facilities and services as may be necessary or
 31 desirable;



32 (c) To enter into reciprocal agreements with other
33 states to provide for the services authorized by this chapter to
34 residents of the states concerned;

35 (d) To conduct research and compile statistics relating
36 to the provision of services to or the need of services by
37 disabled individuals;

38 (e) To enter into contractual arrangements with the
39 federal government and with other authorized public agencies or
40 persons for performance of services related to rehabilitation;

41 (f) To contract with schools, hospitals and other
42 agencies, and with doctors, optometrists, nurses, technicians and
43 other persons, for training, physical restoration, transportation
44 and other rehabilitation services;

45 (g) To take such action as may be necessary to enable
46 the department to apply for, accept and receive for the state and
47 its residents the full benefits available under the federal
48 Vocational Rehabilitation Act, and any amendments thereto, and
49 under any other federal legislation or program having as its
50 purpose the providing of, improvement or extension of, vocational
51 rehabilitation services;

52 (h) To establish an Office on the Deaf and Hard of
53 Hearing to provide services and activities authorized under
54 Section 37-33-171;

55 (i) To own in the name of the State of Mississippi
56 certain real property described in Section 7 of Chapter 512, Laws
57 of 2005, and to construct, renovate or repair under the
58 supervision of the Department of Finance and Administration any
59 buildings on such property;

60 (j) To fingerprint and perform a current criminal
61 history record check, child abuse registry check, sex offender
62 registry check, and vulnerable adult abuse or neglect check on any
63 person performing services for or on behalf of the department
64 including, but not limited to, every employee, volunteer,



65 contractual worker, and independent contractor. If no
66 disqualifying record is identified at the state level, the
67 fingerprints shall be forwarded to the Federal Bureau of
68 Investigation for a national criminal history record check.

69 (k) To use the results of the fingerprinting and
70 background checks performed under paragraph (j) for the purposes
71 of employment decisions and/or actions and service provision to
72 consumers of the department's services. The department and its
73 agents, officers, employees, attorneys and representatives shall
74 be exempt from liability for any findings, recommendations or
75 actions taken under this paragraph.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2010.

