



H. 1780 An Act to Require National Criminal Background Checks (for Staff Who Work With Individuals Served by the Department of Developmental Services) LEAD SPONSOR: Rep. Martin Walsh (Boston)

CURRENT LAW: Individuals who apply for employment within Massachusetts to work with persons served by the Massachusetts Department of Developmental Services (DDS) must undergo a Criminal Offense Registry Information (CORI) check. The CORI database is limited to a person's criminal history within Massachusetts. There is no statutory or regulatory requirement that DDS or any of its vendor agencies conduct any systematic national criminal background checks of potential employees. As such, employees with a criminal history documented outside of Massachusetts are allowed to work with some of our state's most vulnerable residents. This will continue to happen until this loophole is closed.

WHAT THE BILL WOULD DO: This bill will require a national check of candidates who apply for positions working with individuals served by DDS. Criminal background verification will be determined by cross-referencing fingerprint data with The Integrated Automated Fingerprint Identification System (IAFIS), a national fingerprint and criminal history system maintained by the Federal Bureau of Investigation. Any employer who does not follow this law and DDS guidelines in implementation would be held in violation. This bill has been revised to be consistent with CORI reform efforts.

REASON FOR THIS LEGISLATION: Without the capacity to conduct interstate scrutiny of criminal history, it is very easy for individuals to move from state to state to obtain employment. An agency may hire an individual without having the means to make an informed decision based upon access to an applicant's comprehensive criminal history. This legislation would remedy the danger this situation would pose to people served by DDS. **This bill would not modify or adjust the current guidelines in how results are interpreted or implemented.** Similar legislation has already been successfully implemented in other states including New York and Idaho.

COST: The cost of this bill will be incidental. Machines used to process fingerprints and cross-reference them with the FBI's database cost about \$18,000 each. Ten machines across the state should easily manage the almost 3,000 staff hired annually to work with people served by DDS, bringing the total annual cost to about \$180,000. Considering that in Massachusetts we pay entry-level human service workers just \$10 per hour, this is a small price to pay for the added security.

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