

Chapter No. 473
10/HR40/R1616SG
CT 1 EW

4/1 4:15pm

HOUSE BILL NO. 1485

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1485

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

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

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

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

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

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

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

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

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

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

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

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

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

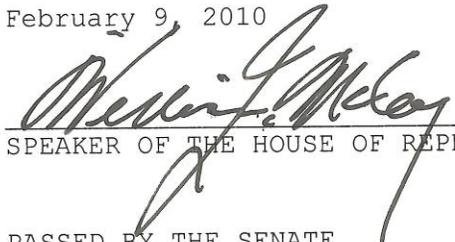
(j) To fingerprint and perform a current criminal history record check, child abuse registry check, sex offender registry check, and vulnerable adult abuse or neglect check on any person performing services for or on behalf of the department

including, but not limited to, every employee, volunteer, contractual worker, and independent contractor.

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

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

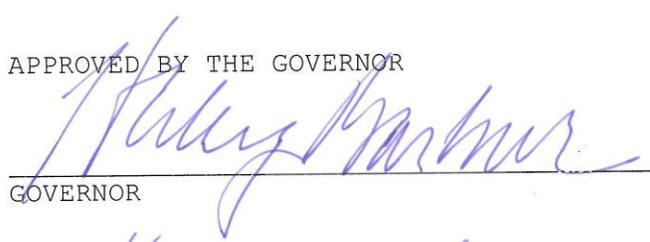
PASSED BY THE HOUSE OF REPRESENTATIVES
February 9, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 4, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

4-10 4-15