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CC: Emily Thompsonemily@uwasc.org
Timothy Ervolinatimothy@uwasc.org
Date: 12/10/2012 4:06:13 PM
Subject: State Statute - AmeriCorps FBI Checks
Attachments: fedregister_final_rule_oct_5_2012.pdf
SC Childrens code of laws.docx

Hello Christian,

Thank you again for offering to assist our staff in bringing our programs into compliance under the new National Service Criminal Background Check Regulations.

To comply with 45 CFE Parts 2510, 2522, 2540, 2551, and 2552 (Attached), we need a state statute in place that authorizes SLED to facilitate the exchange of a fingerprint-based criminal history record check with the FBI for individuals who wish to participate in a program or project supported by the Corporation for National and Community Service.

Here is the FBI provision that sets this requirement for states:

The FBI's authority to conduct a criminal history record check for non-criminal justice purposes is based upon Public Law (Pub. L.) 92-544. Pursuant to that law, the FBI is empowered to exchange criminal history record information with officials of state and local governments for employment, licensing, which includes volunteers, and other similar non-criminal justice purposes, if authorized by a state statute which has been approved by the Attorney General of the United States. The U.S. Department of Justice has advised that the state statute establishing guidelines for a category of employment or the issuance of a license must, in itself, require fingerprinting and authorize the governmental licensing or employing agency to exchange fingerprint data directly with the FBI."

The inner workings of the SC state government are still quite foreign to me, and I am not quite sure what you need in order to get this needed statute on the books, but I suspect that it would look very similar to what is included in Section D1 and D5 of Title 63. - South Carolina's Children's Code Chapter 13. (I have attached and highlighted these sections.)

Thank you again for your help and please let me know what else I can do to help facilitate this process.

Best,

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Brent Kossick

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