



Background:

In **2009**, Congress amended the National and Community Service Act of 1990 with **the Serve America Act**. Under the SAA, on or after October 1, 2009, any entity that selects an individual to serve in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws must conduct a criminal history check on that individual.

In **2012**, the Corporation for National and Community Service released a final rule regarding the Serve America Act and its effect on Criminal History Check Requirements for certain national service programs. The rule was to become effective **January 1, 2013**.

Issue:

In the final rule, specific search procedures were mandated to be met or exceeded for national service programs.

Specifically:

1. A nationwide check of the Department of Justice's National Sex Offender Public Web.
2. A name and date of birth-based search of the official state criminal history registry in the state in which the grantee is operating and of the official state criminal history registry in the state in which the individual resides at the time of application,
3. Submission of fingerprints **through a state central record repository** to the Federal Bureau of Investigation for a national criminal history background check.

Some states, like South Carolina, require a state statute authorizing use of the state central record repository (the State Law Enforcement Division) by certain entities. For example, in the state Code of Laws, **SECTION 63-13-40** (The Children's Code) and **SECTION 44-61-80** (Emergency Medical Services) allow for childcare facility employees and emergency medical technicians to access SLED for fingerprint-based background checks.

Present Day:

The South Carolina Commission for National and Community Service has obtained an approved "alternative search procedure" from the Corporation for National and Community Service. This allows South Carolina program applicants to use FBI "channelers" for the national fingerprint background check.

However, as the alternative search procedure is temporary and burdensome, *the SC Commission for National and Community Service is seeking a permanent search procedure: i.e. authorization via statute to access SLED to process a fingerprint-based background check.*