

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

November 5, 2013

Brent Kossick, Director of South Carolina Service Commission
(United Way Association of South Carolina)
400 Arbor Lake Dr.
Suite B500
Columbia SC 29223

RE: National Service Criminal History Checks
(Bill Draft pertaining to Section 23-3-47)

Dear Mr. Kossick:

I have reviewed the language and context provided in the draft of Section 23-3-47 [see attached]. I am confident that this proposal for a National Service Criminal History check to be administered through the South Carolina Law Enforcement Division will present the most effective way for the South Carolina Service Commission to comply with the regulations of the Commission on National and Community Service.

Fingerprint based searches are the most reliable way to conduct criminal records checks and the least likely to result in either a false positive or a false negative search result. Individuals may use different names, dates of birth, and even social security numbers if arrested; however they cannot alter their fingerprints. Regarding that the members serving with the South Carolina Service Commission will be interacting with vulnerable populations, the validity of a fingerprint check will be the most responsible and reliable process employed.

Thank you,


Mark A. Keel, Chief
S. C. Law Enforcement Division

MAK/tb
Attachment



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

Attachment 1

Chapter 3, Title 23 of the 1976 Code is amended by adding:

"Section 23-3-47. A person seeking a covered position, as that term is defined in 45 CFR 2540, or who otherwise volunteers or serves in a position supported, sponsored, or administered by the South Carolina Commission on National and Community Service (Commission) must undergo a state criminal history background check, supported by fingerprints by the South Carolina Law Enforcement Division (SLED), and a national criminal history background check, supported by fingerprints by the Federal Bureau of Investigation (FBI). The results of these criminal history background checks must be reported to the Commission. SLED is authorized to retain the fingerprints for certification purposes and for notification of the Commission regarding criminal charges. The cost of the state criminal history background check must not exceed eight dollars and must be paid by the Commission upon application for the state check. The cost of the national criminal history background check is established by the FBI and must be paid by the Commission upon application for the national check."