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TESTIMONY ON AB 155

Good morning Mr. Chairman and members of the committee. My name is Gina Session and I am a Senior Deputy Attorney General with the Boards and Commissions Division of the Office of the Attorney General.

This bill was proposed by the Office of the Attorney General to address an issue that was affecting a large number of the Boards and Commissions that we represent. For many years all Boards and Commissions that license individuals have relied upon the FBI to provide criminal history records. When licensing individuals doing a criminal background check with the FBI is an important component of an agency's duty to protect the public.

Recently many of the agencies have been notified that their statutes allowing for background checks were not in compliance with the requirements of federal law. Specifically federal law requires that individual licensees authorize the state agency to do a background check. The state agencies were notified that if the statutes were not corrected, the FBI would no longer provide records of criminal history. It would be devastating to these agencies if they were no longer able to access the FBI's records of criminal history. The agencies could no longer be certain that they were making licensing decisions with full knowledge of an applicant's criminal history.

One of the Boards that have this problem is the Private Investigators Licensing Board. The Private Investigators Licensing Board does an extremely thorough check before licensing private investigators, private patrolman and others. Its statutes did not specify that an applicant must provide written permission to forward their fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Ms. Hanna of the Private Investigators Licensing Board submitted language to the FBI to ensure that that changes that were made would remedy the problem. The FBI has approved the language used in AB 155 to cure the defect in our statutes.

We are not aware of any opposition to AB 155. AB 155 will act to ensure that licensing boards make decisions about applicants only after they have all the information available about their criminal history. In this manner we can ensure that state agencies are taking all necessary precautions to protect the citizens of Nevada.