

## **Criminal Record Checks**

### **Access to Criminal Records**

#### 309. ACCESS TO RECORDS

a. The commissioner may obtain from the Vermont crime information center the record of convictions of any person to the extent the commissioner has determined by rule that such information is necessary to regulate a facility or individual subject to regulation by the department. The commissioner shall first notify the person whose record is being requested.

b. The owner or operator of a facility licensed or registered by the department may ask the commissioner for the record of convictions and the record of substantiated reports of child abuse of a current employee or a person to whom the owner or operator has given a conditional offer of employment. The request shall be in writing and shall be accompanied by a release signed by the current or prospective employee. The owner or operator shall inform the current or prospective employee that he or she has the right to appeal the accuracy and completeness of the record. Upon receiving a request under this subsection, the commissioner shall ask the Vermont crime information center for the record of convictions of the current or prospective employee.

c. If the person has a record of convictions, the commissioner shall provide the owner or operator with a copy of the record. If the person has a record of substantiated reports of child abuse, the commissioner shall inform the requesting owner or operator that such record exists.

d. Information released to an owner or operator under this section shall not be released or disclosed by the owner or operator to any other person. Release or disclosure of such information by an owner or operator may result in loss of license or registration.

e. As used in this section,

1. "Commissioner" means the commissioner or the commissioner's designee.
2. "Substantiated reports of child abuse" mean report of child abuse substantiated under section 4915 of this title.