**A** **BILL**

TO AMEND SECTION 40‑80‑20 OF THE 1976 CODE, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS PRIOR TO EMPLOYMENT AS A FIREFIGHTER, TO REQUIRE A CHECK OF BOTH STATE AND FEDERAL HISTORIES AND TO LIMIT THE COSTS OF THESE CHECKS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑80‑20(A) of the 1976 Code, as last amended by Act 309 of 2008, is further amended to read:

“(A)(1) Prior to employment of a paid or volunteer firefighter, the fire chief or other employer must ensure that a prospective firefighter undergoes a criminal records check conducted by a law enforcement agency. Employers must conduct both a state and federal fingerprint criminal history background check on the individual. Any applicant selected for employment, either paid or volunteer, is required to undergo a background investigation and must supply fingerprints, along with other personal identifying information, for submission to the Federal Bureau of Investigation (FBI) through the State Law Enforcement Division (SLED). The employing agency is authorized to use SLED and FBI criminal history records for the screening of the finalist prior to employment. The cost of the federal fingerprint criminal history background check must not exceed the actual cost of the federal requirement for firefighters and volunteers.

(2) The cost of the state criminal records check may not exceed eight dollars.

(3) A criminal records check is not required for a firefighter employed as of June 30, 2001, if the firefighter is employed with the same fire department with which he was employed on June 30, 2001. Upon separation from the fire department where he was employed on June 30, 2001, a firefighter must comply with the provisions of Section 40‑80‑40.”

SECTION 2. This act takes effect upon approval by the Governor.

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