**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1112**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shealy

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Introduced in the Senate on February 28, 2024

Introduced in the House on April 9, 2024

Currently residing in the House Committee on **Judiciary**

Summary: Background Checks for Group Home Volunteers and Child Placing Agencies

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/28/2024 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20240228.docx))

2/28/2024 Senate Referred to Committee on **Family and Veterans' Services** ([Senate Journal‑page 6](h:\sj\20240228.docx))

3/1/2024 Scrivener's error corrected

3/27/2024 Senate Committee report: Favorable **Family and Veterans' Services** ([Senate Journal‑page 16](h:\sj\20240327.docx))

4/2/2024 Scrivener's error corrected

4/2/2024 Senate Read second time ([Senate Journal‑page 45](h:\sj\20240402.docx))

4/2/2024 Senate Roll call Ayes-39 Nays-0 ([Senate Journal‑page 45](h:\sj\20240402.docx))

4/3/2024 Senate Read third time and sent to House ([Senate Journal‑page 5](h:\sj\20240403.docx))

4/9/2024 House Introduced and read first time ([House Journal‑page 21](h:\hj\20240409.docx))

4/9/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 21](h:\hj\20240409.docx))

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**VERSIONS OF THIS BILL**

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1112_20240228.docx)

[03/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1112_20240301.docx)

[03/27/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1112_20240327.docx)

[04/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1112_20240402.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

04/02/24

S. 1112

Introduced by Senator Shealy

S. Printed 04/02/24--S. [SEC 4/2/2024 1:04 PM]

Read the first time February 28, 2024

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The committee on Senate Family and Veterans' Services

To who was referred a Bill (S. 1112) to amend the South Carolina Code of Laws by amending Section 63‑7‑2340, relating to fingerprint review, so as to provide for fingerprint‑based background checks, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

KATRINA SHEALY for Committee.

\_\_\_\_\_\_\_\_

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63‑7‑2340, RELATING TO FINGERPRINT REVIEW, SO AS TO PROVIDE FOR FINGERPRINT‑BASED BACKGROUND CHECKS FOR PERSONS APPLYING FOR LICENSURE AS A FOSTER PARENT, ADOPTIVE PARENT, LEGAL GUARDIAN, OR EMPLOYEE OR VOLUNTEER OF A CHILD PLACING AGENCY, RESIDENTIAL TREATMENT PROGRAM, OR CONTRACTED SERVICE PROVIDER WHO HAS DIRECT UNSUPERVISED CONTACT WITH CHILDREN; BY AMENDING SECTION 63‑7‑2345, RELATING TO PAYMENT OF COSTS OF FEDERAL BUREAU OF INVESTIGATION FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT COSTS FOR FINGERPRINT‑BASED BACKGROUND CHECKS MUST BE PAID BY THE INDIVIDUAL OR ENTITY REQUESTING THE BACKGROUND CHECKS; BY AMENDING SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE, ADOPTION, OR LEGAL GUARDIAN PLACEMENTS, SO AS TO PROVIDE THAT A CHILD MAY BE PLACED IN THE HOME OF A KIN OR FICTIVE KIN CAREGIVER WHO HAS BEEN CONVICTED of OR PLED GUILTY TO A CRIMINAL OFFENSE IF MORE THAN FIVE YEARS HAVE PASSED SINCE THE CONVICTION AND THE OFFENSE WAS NOT A FELONY INVOLVING VIOLENCE OR ANY CRIME AGAINST A CHILD; BY AMENDING SECTION 63‑13‑50, RELATING TO FINGERPRINT EXEMPTIONS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑60, RELATING TO CRIMINAL HISTORY REVIEW FEE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑190, RELATING TO FINGERPRINT REVIEWS OF DEPARTMENT OF SOCIAL SERVICES PERSONNEL, SO AS TO PROVIDE THAT VOLUNTEERS OR EMPLOYEES OF A CONTRACTOR OR SUBCONTRACTOR WHO CONTRACTS FOR DELIVERY OF PROTECTIVE SERVICES, FAMILY PRESERVATION SERVICES, FOSTER CARE SERVICES, FAMILY REUNIFICATION SERVICES, ADOPTION SERVICES AND OTHER RELATED SERVICES OR PROGRAMS OR A PERSON WHO HAS DIRECT UNSUPERVISED CONTACT WITH A CHILD IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES SHALL UNDERGO A STATE FINGERPRINT‑BASED BACKGROUND CHECK; BY AMENDING SECTION 63‑13‑420, RELATING TO LICENSURE REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑430, RELATING TO LICENSE RENEWAL, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑620, RELATING TO STATEMENT OF APPROVAL REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑630, RELATING TO APPROVAL RENEWAL, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑820, RELATING TO REGISTRATION REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑830, RELATING TO STATEMENT OF REGISTRATION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 63‑13‑1010, RELATING TO REGISTRATION REQUIRED FOR CHURCH AND RELIGIOUS CENTERS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63‑11‑70, RELATING TO BACKGROUND CHECKS AND PARDONS, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. Sections 63‑7‑2340 through 63‑7‑2350 of the S.C. Code are amended to read:

Section 63‑7‑2340. (A) A person applying for licensure as a foster parent or for approval for adoption placement, for approval as a prospective legal guardian for a child in the custody of DSS, or seeking employment or a volunteer role with direct, unsupervised contact with children under the age of eighteen in a Child Placing Agency, qualified residential treatment program or residential facility, or a contracted service provider, and a person eighteen years of age or older, residing in a home in which a person has applied to be licensed as a foster parent or an approved adoption placement, must undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprinting‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

(B) Any fee charged by the Federal Bureau of Investigation for the fingerprint review must be paid by the individual.The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

Section 63‑7‑2345. (A) Notwithstanding the provisions of Section 63‑7‑2350, the department is authorized to pay from funds appropriated for foster care the costs of Federal Bureau of Investigation fingerprint‑based background checks reviews for foster care families recruited and selected as potential adoption and foster care providers for children in the custody of the department.

(B) Costs for Federal Bureau of Investigation fingerprint‑based background checks required for prospective employees or volunteers of a qualified residential treatment program or residential facility, or prospective legal guardians or persons in a prospective placement household aged eighteen years and older, must be paid by the individual or entity requesting the background checks.

Section 63‑7‑2350. (A) No child in the custody of the Department of Social Services may be placed in a foster home, adoptive home, legal guardian's home, qualified residential treatment program, or residential facility with a person if the person or anyone eighteen years of age or older residing in the home or a person working or volunteering with direct unsupervised contact with children under the age of eighteen in the qualified residential treatment program or residential facility:

(1) has a substantiated history of child abuse or neglect; or

(2) has pled guilty or nolo contendere to or has been convicted of:

(a) an “Offense Against the Person” as provided for in Chapter 3, Title 16;

(b) an “Offense Against Morality or Decency” as provided for in Chapter 15, Title 16;

(c) contributing to the delinquency of a minor as provided for in Section 16‑17‑490;

(d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;

(e) criminal domestic violence as defined in Section 16‑25‑20;

(f) criminal domestic violence of a high and aggravated nature as defined in Section 16‑25‑65;

(g) a felony drug‑related offense under the laws of this State;

(h) unlawful conduct toward a child as provided for in Section 63‑5‑70;

(i) cruelty to children as provided for in Section 63‑5‑80;

(j) child endangerment as provided for in Section 56‑5‑2947; or

(k) criminal sexual conduct with a minor in the first degree as provided for in Section 16‑3‑655(A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) At a minimum, the department shall require that all persons referenced in subsection (A) undergo a fingerprint‑based background check review to be conducted by the State Law Enforcement Division and a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation. The department also shall check the State Central Registry of Child Abuse and Neglect, department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for licensure as a foster parent, the National Sex Offender Public Website Registry, and the state sex offender registry for applicants and all persons twelve years of age and older residing in the home of an applicant.

(D) This section does not prevent placement in a foster home, adoptive home, qualified residential treatment program, legal guardian's home, or residential facility when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.

(E) For the purposes of this section, “residential facility” means a group home, residential treatment center, or other facility that, pursuant to a contract with or a license or permit issued by the department, provides residential services to children in the custody of the department. This includes, but is not limited to, child caring institutions, emergency shelters, group homes, wilderness therapeutic camps, and organizations with supervised individual living facilities.

(F) Notwithstanding the provisions in this section, in the discretion of the department when it is in a child’s best interest, a child may be placed in the home of a kin or fictive kin caregiver who has been convicted of or has plead guilty or nolo contendere to a criminal offense described in this section if more than five years have elapsed since the conviction, guilty plea, or nolo contendere plea and the criminal offense was not a violent crime as defined in Section 16‑1‑60 or a felony involving violence including, but not limited to, child abuse and neglect, domestic violence, or any crime against a child.

SECTION 2. Sections 63‑13‑50 through 63‑13‑60 of the S.C. Code are amended to read:

Section 63‑13‑50. The fingerprint‑based background checks reviews required by this chapter are not required of a certified education personnel who has undergone a fingerprint‑based background check review pursuant to Section 59‑26‑40 or of a person licensed as a foster parent who has undergone a state and federal fingerprint‑based background check review pursuant to Section 63‑7‑2340, and the results of these fingerprint‑based background checks reviews have been submitted to the department and the person has remained employed since the fingerprint‑based background check review in certified education or licensed as a foster parent or the fingerprint‑based background checks reviews have been conducted within the preceding six months.

Section 63‑13‑60. For conducting a state fingerprint‑based criminal history record check review as required by this chapter, the State Law Enforcement Division may not impose a fee greater than the fee imposed by the Federal Bureau of Investigation for conducting such a fingerprint‑based background check review.

SECTION 3. Section 63‑13‑190 of the S.C. Code is amended to read:

Section 63‑13‑190. (A)(1) Before the Department of Social Services employs a person in its childcare licensing or child protective services divisions, the person shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. No person may be employed in these divisions if the person has been convicted of or pled guilty or nolo contendere to any crime listed in Section 63‑13‑40(A).

(2) A volunteer or an employee of a contractor or subcontractor who contracts for delivery of protective services, family preservation services, foster care services, family reunification services, adoption services, and other related services or programs or a person who has direct unsupervised contact with a child in the custody of the Department of Social Services shall undergo a state fingerprint‑based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint‑based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. No person may be employed by a contractor or a subcontractor, act in a volunteer capacity, or have access to a child in the custody of the department if the person has been convicted of or pled guilty or nolo contendere to any crime listed in Section 63‑13‑40(A).

(3) Persons in subsection (A)(1) and (2) shall also submit to a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the state sex offender registry pursuant to Section 23‑3‑430.

(2)(4) This section does not prohibit employment when a conviction or plea of guilty or nolo contendere for one of the crimes listed has been pardoned. However, notwithstanding the entry of a pardon, the department may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited for employment.

(B) Notwithstanding subsection (A) or any other provision of law, a person may be provisionally employed in the childcare licensing or child protective services divisions upon receipt and review of the results of the State Law Enforcement Division fingerprint‑based background check review if the results show no convictions of the crimes referenced in subsection (A). Pending receipt of the results of the Federal Bureau of Investigation fingerprint‑based background check review, the department must obtain from the prospective employee a written affirmation on a form provided by the department that the employee has not been convicted of any crime referenced in subSection 63‑13‑40(A).

(C) A person who has been convicted of a crime referenced in subsection (A) who applies for employment with the childcare licensing or child protective services divisions, or with a contractor or subcontractor of DSS, or applies or seeks to act in a volunteer capacity for such entities, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(D) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

(E) The department shall be responsible for the costs of background checks for prospective employees of the childcare licensing and child protective services divisions. The costs for other fingerprints required under this section shall be the responsibility of the individual, contractor, or subcontractor. Fees shall not exceed the actual cost of processing and administration.

SECTION 4. Sections 63‑13‑420(G), (H), (I), and (J) of the S.C. Code are amended to read:

(G) A person eighteen years of age or older living in a group family childcare home, and any person eighteen years of age or older who moves into a group family childcare home after an initial application for licensing is approved, shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint‑based background check reviews required by this subsection are required to be repeated every five years.

(H) A person fifteen through seventeen years of age living in a group family childcare home, and any person fifteen through seventeen years of age who moves into a group family childcare home after an initial application for licensing is approved, shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

(I) A person applying for a license as an operator under this section shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint‑based background checks reviews must be repeated. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

(J) A person applying for a license as an operator under this section or seeking employment or seeking to provide caregiver services at a facility licensed under this section shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint‑based background checks reviews must be repeated. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

SECTION 5. Section 63‑13‑430(F) of the S.C. Code is amended to read:

(F) A licensee seeking license renewal under this section, its employees, and its caregivers, who have not done so previously, on the first renewal after June 30, 1995, shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION 6. Section 63‑13‑620(C) of the S.C. Code is amended to read:

(C) A person applying for approval under this section shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

SECTION 7. Section 63‑13‑630(D)(1) of the S.C. Code is amended to read:

(D)(1) A person applying for approval renewal under this section, a person who will operate the facility, and its employees and caregivers, who have not done so previously, on the first approval renewal after June 30, 1995, shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION 8. Sections 63‑13‑820(C) and (D) of the S.C. Code are amended to read:

(C) A person applying to become a registered operator of a family childcare home under this section, a person eighteen years of age or older living in the family childcare home, and any person eighteen years of age or older who moves into the family childcare home after the initial application for registration is approved shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

(D) A person applying to become the registered operator of a family childcare home under this section, a person fifteen through seventeen years of age living in a family childcare home, and any person fifteen through seventeen years of age who moves into a family childcare home after an initial application for registration is approved shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

SECTION 9. Section 63‑13‑830(C)(1) of the S.C. Code is amended to read:

(C)(1) A person applying for renewal of registration as an operator of a family childcare home registered under this article and a person employed or providing caregiver services at a family childcare home registered under this article, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION 10. Section 63‑13‑1010(E), (G), and (H) of the S.C. Code is amended to read:

(E) A person applying for a license or registration as an operator of a church or religious childcare center shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. If a person is not employed or does not provide caregiver services for six months or longer, then the fingerprint‑based background checks reviews must be repeated. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

(G) A person applying for a license or registration as an operator of a church or religious childcare center or seeking employment or seeking to provide caregiver services at a church or religious childcare center shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years. The fingerprint‑based background checks reviews required by this subsection are required to be repeated every five years.

(H) A person applying for renewal of a license or registration as an operator of a church or religious childcare center licensed or registered under this chapter and a person employed or registered under this chapter, who has not done so previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint‑based background check review to be conducted by the State Law Enforcement Division to determine any state criminal history, a fingerprint‑based background check review to be conducted by the Federal Bureau of Investigation to determine any other criminal history, a Central Registry check to be conducted by the department to determine any abuse or neglect perpetrated by the person upon a child, and a search of the National Crime Information Center National Sex Offender Registry and the state sex offender registry pursuant to Section 23‑3‑430. The person shall be subject to a state criminal register or repository check, a state sex offender check, and a state child abuse and neglect registry and database check in each state where the person has lived in the previous five years.

SECTION 11. Section 63‑11‑70 of the S.C. Code is amended to read:

Section 63‑11‑70. (A) A person seeking employment with a child welfare agency for a position with direct unsupervised contact with children must undergo a state fingerprint‑based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint‑based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. A person seeking to serve as a volunteer with a child welfare agency for a position with direct unsupervised contact with children must undergo a state fingerprint‑based background check to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint‑based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history. Additionally, the persons described in this section must also undergo a check of the State Central Registry of Child Abuse and Neglect, DSS department records, the equivalent registry system for each state in which the person has resided for five years preceding an application for employment or as a volunteer, the National Sex Offender Public Website, and the state sex offender registry.

(B) The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to retain and store fingerprints for further use in the identification of persons including, but not limited to, use in identifying unsolved latent prints. The South Carolina Law Enforcement Division and the Federal Bureau of Investigation are authorized to provide the department with current and future information regarding the fingerprints stored, including arrests, convictions, dispositions, warrants, and other information available to the South Carolina Law Enforcement Division and the Federal Bureau of Investigation, such as civil and criminal information.

(C) Costs for Federal Bureau of Investigation fingerprint‑based background checks required for prospective employees of a child welfare agency must be paid by the individual or entity requesting the background checks.

(D) When a provision of law or regulation provides for a criminal history background check in connection with licensing, placement, service as a volunteer, or employment with a child welfare agency, the provision of law or regulation may not operate to prohibit licensing, placement, service as a volunteer, or employment when a conviction or plea of guilty or nolo contendere has been pardoned. However, notwithstanding the entry of a pardon, the department, child welfare agency, or employer may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the person is unfit or otherwise unsuited for licensing, placement, service as a volunteer, or employment.

SECTION 12. This act takes effect upon approval by the Governor.

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