

WEST VIRGINIA CODE: §30-1D-1

§30-1D-1. Criminal background checks required of new applicants.

(a) This article shall be known as "Lynette's Law."

(b) The requirements in subsection (c) of this section for criminal background checks apply to those persons applying to be licensed in West Virginia for the first time by the boards governing licensing under the following sections: Section ten, article three of this chapter; section four, article three-e of this chapter; section eight, article four of this chapter; section nine, article five of this chapter; section six, article seven of this chapter; section three, article seven-a of this chapter; section eight, article eight of this chapter; section eight, article ten of this chapter; section four, article fourteen of this chapter; and section seven, article twenty-one of this chapter.

(c) A person applying for licensing to a board listed in subsection (b) of this section must submit to a state and national criminal history record check, as set forth in this subsection: Provided, That an applicant for a license who is an attorney at law may submit a letter of good standing from the Clerk of the Supreme Court of Appeals of West Virginia in lieu of submitting to a state and national criminal history record check.

(1) This requirement is found not to be against public policy.

(2) The criminal history record check shall be based on fingerprints submitted to the West Virginia State Police or its assigned agent for forwarding to the Federal Bureau of Investigation.

(3) The applicant shall meet all requirements necessary to accomplish the state and national criminal history record check, including:

(A) Submitting fingerprints for the purposes set forth in this subsection; and

(B) Authorizing the board, the West Virginia State Police and the Federal Bureau of Investigation to use all records submitted and produced for the purpose of screening the applicant for a license.

(4) The results of the state and national criminal history record check may not be released to or by a private entity except:

(A) To the individual who is the subject of the criminal history record check;

(B) With the written authorization of the individual who is the subject of the criminal history record check; or

(C) Pursuant to a court order.

(5) The criminal history record check and related records are not public records for the purposes of chapter twenty-nine-b of this code.

(6) The applicant shall pay the actual costs of the fingerprinting and criminal history record check.

(d) Before implementing the provisions of this subsection, the board shall propose rules for legislative approval in accordance with article three, chapter twenty-nine-a of this code. The rules shall set forth the requirements and procedures for the criminal history check and must be consistent with standards established by the Federal Bureau of Investigation and the National Crime Prevention and Privacy Compact as authorized by 42 U. S. C. A. §14611, et seq.