Chapter 9

Mississippi Criminal Information Center Policy: 9.001

9.001.01 Applicant Record Checks Policy

1. The Center currently processes a number of background checks by name and/or fingerprints. Included below is a brief description of each check. A fee schedule, provided in Section 9.0.1, summarizes the statutory authority, type and cost of check, and contact person.

9.001.02 Billable Applicant Fingerprint Checks

2. A memorandum of understanding must be executed between the Center and any state agency authorized by state statute to submit fingerprint cards to the Center. State agencies are provided fingerprint cards which are assigned to the agency based on an ORI (originating agency identifier). An ORI is assigned by the Federal Bureau of Investigation. The applicant/employee is fingerprinted on the card which is forwarded to the Center for a state check. Upon completion of the state check, the card is forwarded by the Center to the Federal Bureau of Investigation (FBI) for a nationwide check. Any criminal background information is returned to the requesting state agency. The agency will determine an applicant's/employee's fitness for employment. A fee is charged for the check which the requesting entity pays to the CIC. The CIC forwards the appropriate fees to the FBI.

   a. Alcoholic Beverage Control

      i. The Alcoholic Beverage Control Commission (ABC) is required to conduct a criminal history check on each applicant for an alcoholic beverage license and on the applicant's key employees, as determined by ABC. The applicant and applicant's key employees are fingerprinted by a local law enforcement agency on fingerprint cards by ABC. The fingerprint cards are returned to ABC; ABC submits the fingerprint cards to CIC. The fingerprint cards are checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. A fee of $32.00 is charged by the CIC to process a record check based on the fingerprint card.

      Statutory Authority: Miss. Code Ann. Section 67-1-57.

   b. Check Cashing Business

      ii. Mississippi Department of Banking and Consumer Finance is required to submit a request for fingerprint checks for its check cashing applicants. Banking provides the fingerprint cards to the applicant and submits the applicant's fingerprints to CIC. CIC checks the fingerprints against the

Mississippi criminal history system database and then forwards the fingerprints to the FBI for a national criminal history records check. CIC charges a $32.00 fee to process a fingerprint-based record check.

Statutory Authority: Miss. Code Ann. Section 75-67-509.

c. Child Care Facilities Licensed by MS Department of Health

i. Child care facilities require all prospective and current care givers to undergo a criminal history background check to determine suitability for employment. The Mississippi Department of Health (MSDH) provides the fingerprint cards to the facilities. The fingerprint cards are submitted to CIC, checked against the Mississippi Criminal History System database, and forwarded to the FBI for a national criminal history record check. CIC charges a $32.00 fee to process a fingerprint-based check for an employee and a fee of $23.00 for a volunteer. The MDH is authorized to set fees in addition to those charged by CIC and the FBI.

Statutory Authority: Miss. Code Ann. Section 43-20-8.

c. Child Residential Agencies and Foster Parents/Homes

i. Any person, institution, facility, clinic, organization or other entity that provides services to children in a residential setting as described in *Miss. Code Ann.* Section 43-15-6 (1) must undergo a national criminal history record check and a child abuse registry check for each owner, operator, employee, prospective employee, volunteer or prospective volunteer of the entity that has or may have unsupervised access to a child.

ii. The Mississippi Department of Human Services (DHS) provides the fingerprint card to the individual or entity. DHS submits the fingerprint card to CIC, where it is checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. A fee of $32.00 is charged by the CIC to process a fingerprint-based record check for an employee and $23.00 for a volunteer. The DHS is authorized to set fees in addition to those charged by CIC and the FBI.

Statutory Authority: Miss. Code Ann. Section 43-15-6.

d. Community (Regional) Mental Health Center Employees and/or Volunteers

i. The 15 Regional Mental Health – Mental Retardation Centers in Mississippi (CMHC) are authorized to fingerprint and perform a criminal history records check on every employee and volunteer of each community mental health facility. Each CMHC submits its own applicant/employee or volunteer set of fingerprints to CIC. The CMHC provides the fingerprint card to the applicant/volunteer. The

applicant/volunteer is fingerprinted; CMHC submits the fingerprint card to CIC, where it is checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. The results from the check are sent from the FBI to CIC and then to CMHC. Each CMHC determines the suitability of the applicant or volunteer for employment or service. A fee of $32.00 is charged by the CIC to process a fingerprint-based record check for an employee and $23.00 for a volunteer.

Statutory Authority: 42 *U.S.C.* Section 5119a. and *Miss. Code Ann.* § 41-19-33

e. Gaming

i. The Gaming Commission requires all applicants or licensees and gaming employees of a licensee to be fingerprinted. The Gaming Commission has its own fingerprint cards which it provides to applicants. The fingerprint cards are forwarded to the CIC where they are checked against the Mississippi Criminal History System database and forwarded to the FBI for a national criminal history record check. A fee of $32.00 is imposed to process a fingerprint-based record check under this statute.

f. Home Health Agencies and Nursing Facilities

i. Any home health care agency or nursing facility may require applicants for employment to undergo a criminal history records check. The fingerprint cards are provided to the facility by the CIC. The facility submits the set of fingerprints to CIC along with a statement signed by the applicant authorizing the record check in accordance with Public Law # 105-277. The MDH submits the fingerprint cards to CIC. The cards are checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. CIC returns the results of the criminal history record check to the MDH to be disseminated to the requesting facility. The facility determines the suitability of the applicant for employment. A fee of $32.00 is charged by the CIC to process a fingerprint-based record check for an employee and $23.00 for a volunteer.

Statutory Authority: Public Law #105-277 (note to 28 *U.S.C.* Section 534).

g. Home Health Care Agencies, Hospitals, Hospices, Nursing and Personal Care Homes

i. The Mississippi State Department of Health (MDH) is required to have every new employee of a licensed entity, who provides direct patient care and who is employed after July 1, 2002, and every employee of a licensed entity employed before July 1, 2002, who has a documented disciplinary action by his present employer, to undergo a criminal history background

check to determine suitability for employment. MDH provides the fingerprint card to the applicant/employee to be fingerprinted. MDH submits the fingerprint card to CIC to be checked against the Mississippi criminal history system database, and forwarded to the FBI for a national criminal history record check. CIC returns the results of the criminal history check to the MDH, which determines the suitability of the applicant for employment. CIC charges $32.00 to process a fingerprint-based check for an employee/applicant and $23.00 for a volunteer.

Statutory Authority: Miss. Code Ann. § 43-11-13

g. Information Technology Services

i. To qualify for the position of an information confidentiality officer with the Department of Information Technology Services, a person must undergo a criminal history records check. The person is fingerprinted and the set of fingerprints is forwarded to the CIC, checked against the Mississippi Criminal History System database, and forwarded to the FBI for a national criminal history record check. A fee of $32.00 is charged to process this check.

Statutory Authority: Miss. Code Ann. Section 25-53-51.

h. MS. Dept. of Mental Health Employees and/or Volunteers

i. The Mississippi Board of Mental Health (MH) is authorized to fingerprint and perform a criminal history records check on every employee and volunteer. MH submits the applicant/employee or volunteer set of fingerprints to CIC. The fingerprints are checked against the Mississippi criminal history record check. The results of the check are sent from the FBI to CIC and then to MH. MH determines the suitability of the applicant or volunteer for employment. A $32.00 fee is charged to process a fingerprint-based record check for an applicant/employee and $23.00 for a volunteer.

Statutory Authority: Miss. Code Ann. § 41-4-7

h. Mortgage Companies

i. Applicants of mortgage companies applying for registration or licensure from the Department of Banking and Consumer Finance (Banking) are required to undergo criminal history record checks. The fingerprint cards are provided to the applicant by the Department of Banking and Consumer Finance. Banking submits a set of fingerprints obtained by a local law enforcement entity to CIC. The fingerprints are checked against the Mississippi criminal history database system and forwarded to the FBI for a national criminal history record check. A fee of $32.00 is charged to process the record check.

Statutory Authority: Miss. Code Ann. Section 81-18-13.

i. Non-Government Entity or Employer

i. State conviction information shall be made available for the following non-criminal justice purpose: To any non-governmental entity or employer authorized either in writing by the person who is subject to the requested record or if authorized by state or federal law to receive such information. Information disseminated for non-criminal justice purposes shall be used only for the purpose for which it was made available and may not be re-disseminated. The existence or non-existence of criminal history record information shall not be confirmed to any person or organization that is not eligible by law to receive the information. Non-conviction information shall be available for non-criminal conviction purposes. Non-governmental entity or employer requests must proper identification and authorization information from the person who is subject of a requested record and any request must further adhere to the CIC policies established for obtaining record checks.

ii. The statutory right to view a person's own criminal history record information, shall not be used by a prospective employer or others as a means to circumvent procedures or fees for accessing records for non-criminal justice purposes. The CIC may impose procedures, including the submission of fingerprints, fees or restrictions, as are reasonable and necessary for security, to verify identities, and for orderly and efficient information access. Release of State conviction information for non-criminal justice purposes shall be made only by CIC pursuant to certain statutory limitations. Such records will not be released or disclosed for non-criminal justice purposes by other agencies in the state. There is a $32.00 fee to process the fingerprint check.

Statutory Authority: Miss. Code Ann. § 45-27-12

j. Pawn Brokers

i. Applicants for a pawn broker's license are required to submit a set of fingerprints to the Department of Banking and Consumer Finance (Banking). The fingerprint cards are provided to the applicant by the Banking. Banking submits the fingerprint card to CIC to be checked against the Mississippi criminal history system database and forwarded to the FBI for a national criminal history record check. A fee of $32.00 is charged by the CIC to process a fingerprint-based record check. The results of the check are sent to the Department of Banking and Consumer Finance to determine an applicant's suitability for employment.

Statutory Authority: Miss. Code Ann. § 75-67-323

k. State Board of Pharmacy Applicants for License

i. To insure that all applicants are of good moral character, the board conducts a criminal history records check on all applicants for a license. To determine suitability for licensing, the applicant must be fingerprinted. The board submits fingerprints to the CIC for check of the state criminal records and forwards to the FBI for the national criminal records check. The CIC disseminates the results of the state check and the national check to the board for suitability determination. The board is authorized to collect from the applicant the fee amount which the CIC charges the board for fingerprinting, whether manual or electronic, and that is charged for the state and national criminal history records checks. CIC charges $32.00 to process a fingerprint-based check for an applicant.

Statutory Authority: Miss. Code Ann. § 73-21-85

l. State Board of Pharmacy Technicians

i. To insure that all applicants are of good moral character, the board conducts a criminal history records check on all applicants for a technician license or registration. To determine suitability for licensing, the applicant must be fingerprinted. The board submits fingerprints to the CIC for check of the state criminal records and forwards to the FBI for the national criminal records check. The CIC disseminates the results of the state check and the national check to the board for suitability determination. The board is authorized to collect from the applicant the fee amount which the CIC charges the board for fingerprinting, whether manual or electronic, and that is charged for the state and national criminal history records checks. CIC charges $32.00 to process a fingerprint-based check for an applicant.

Statutory Authority: Miss. Code Ann. § 73-21-111

m. Private or Nonpublic Schools

i. Any nonpublic school which is accredited or approved by the State Board of Education may avail itself of the criminal record information and registry check procedure that is provided for public schools and shall be responsible for the same fee charged as for local public schools. The applicant/ employee is fingerprinted on a card provided by the school district. Each school district submits the applicant's fingerprint card to the CIC for check against the Mississippi criminal history database system and forward to the FBI for a national criminal history record check. The determination whether the applicant has a disqualifying crime shall be made by the appropriate governmental authority, who shall notify the private firm whether a disqualifying crime exists. CIC imposes a $32.00 fee to process the record checks for each employee.

Statutory Authority: Miss. Code Ann. § 37-9-17

i. Public Schools

i. Each superintendent of a school district is required to obtain criminal record background checks and child abuse registry checks for all new hires applying for employment as a licensed or non-licensed employee at a school not previously employed in that district prior to July 1, 2000. To determine suitability, the applicant must be fingerprinted. Each school district has its own fingerprint cards which are submitted to CIC, checked against the Mississippi Criminal History System database, and are forwarded to the Federal Bureau of Investigation for a national criminal history record check. A fee of $32.00 is imposed by the CIC to process the record checks for employees.

Statutory Authority: Miss. Code Ann. Section 37-9-17.

j. Title Pledge Lenders

i. Title pledge lenders (or sales finance companies which engage in the business of purchasing retail installment contracts from one or more retail sellers) are required to be licensed by the Department of Banking and Consumer Finance. Applicants must submit a set of fingerprints to the CIC for a record check. CIC checks the fingerprints against the Mississippi Criminal History System database and forwards the prints to the FBI for a national criminal history record check. A fee of $32.00 is charged to process the record check.

Statutory Authority: Miss. Code Ann. § 75-67-421.

k. University of Mississippi Medical Center Employees

i. The University of Mississippi Medical Center is required to fingerprint and perform a criminal history record check on all new employees that work in or provide direct patient care. No employee of UMMC hired on or after July 1, 2004, is permitted to provide direct patient care until the results of the criminal history record check have revealed no disqualifying or the employee has been granted a waiver. To determine suitability for employment, the applicant must be fingerprinted. Fingerprints are submitted to the CIC by UMMC via scanning or other electronic method. If no disqualifying record is identified at the state level, the applicant's fingerprints must then be forwarded to the FBI for a national criminal history record check. CIC returns the results of any criminal history record check to the UMMC, which determines the suitability of the applicant for employment. CIC charges $32.00 to process a fingerprint-based check for an employee/applicant.

Statutory Authority: Miss. Code Ann. § 37-115-41.

MISSISSIPPI CRIMINAL INFORMATION CENTER
FEE SCHEDULE (10/05)

NO.	ENTITY	AUTHORITY	CHECK	FEE	CONTACT
1. A	Alcohol Beverage Control (State Tax Commission)	*Miss. Code Ann.* §67-1- 57	FINGERPRINT	$32	ABC (601) 856-1320
1. B	Check Cashing Business	*Miss. Code Ann.* §75-67-509	FINGERPRINT	$32 employee	Department of Banking & Consumer Finance (601) 359-1031
1. C	Child Care Facilities Licensed by the MS State Department of Health	*Miss. Code Ann.* §43-20-8	FINGERPRINT	$32 employee $23 volunteer	Department of Health (601) 576-7613
1. D	Child Residential Agencies Licensed by the MS Department of Human Services	*Miss. Code Ann.* §43-15-6	FINGERPRINT	$32 employee $23 volunteer	Dept. of Human Services (601) 359-4994
2. A & 3. A	Criminal Justice/ Law Enforcement Agencies (governmental)	*Miss. Code Ann.* §45-27-7 & §45-27-12	NAME CHECK or FINGERPRINT	no charge	DPS/CIC Records Division (601)933-2600
1. E	Community (Regional) Mental Health Center Employees	*Miss. Code Ann.* §41-19-33	FINGERPRINT	$32 employee $23 volunteer	Contact Appropriate Community Mental Health Center
3. B	Federal Child Care Employees ORI of submitting Federal Agency	42 *U.S.C.* §13041	FINGERPRINT	TO BE DETERMINED	DPS/CIC Applicant Processin (601)933-2600
1. F	Gaming Employees	*Miss. Code Ann.* §75-76-33	FINGERPRINT	$32	Jackson (601) 351-2842 Vicksburg (601) 636-3349 Tunica (662) 363-3073 Biloxi (228) 432-0181
3. C. 1. 3. C. 2.	Gun Permits and Private Security/Guard	*Miss. Code Ann.* §45-9-101 Miss. Code Ann. §97-37-7	FINGERPRINT FINGERPRINT	$32 $32	Firearm Permits Unit/DPS (601) 987-1587
1. G	Home Health Care Agencies & Nursing Facilities	P,.Law #105-277 (28 U.S.C. §534)	FINGERPRINT	$32 employee	Department of Health (601) 576-7300
1. H	Home Health Care Agencies, Hospitals, Hospices, Nursing & Personal Care Homes	*Miss. Code Ann.* §43-11-13	FINGERPRINT	$32 employee	Department of Health (601) 576-7300
1. I	Information Technology Services (MDITS)	*Miss. Code Ann.* §25-53-51	FINGERPRINT	$32 employee	ITS (601) 359-1395
1. J	Ms. Dept. of Mental Health Employees	*Miss. Code Ann.* §41-4-7	FINGERPRINT	$32 employee $23 volunteer	Department of Mental Health (601)359-1288
2. B	Military	10 *U.S.C.* §520a	STATE RECORDS ONLY (NO FEDERAL)	no charge	DPS\CIC Applicant Processin (601) 933-2600

1. K	Mortgage Companies	*Miss. Code Ann.* §81-18-13	FINGERPRINT	$32	Department of Banking & Consumer Finance (601) 359-1031
1. L	Non-governmental Entity or Employer	*Miss. Code Ann.* §45-27-12	STATE RECORDS ONLY (NO FEDERAL) FINGERPRINT	$32	DPS CIC Applicant Processin (601) 933-2600
1. M	Pawnbrokers	*Miss. Code Ann.* §75-67-323	FINGERPRINT	$32	Department of Banking & Consumer Finance (601) 359-1031
1.N	Miss. Pharmacy Board				
a.	Pharmacy licensure	*Miss. Code Ann.* § 73-21-85	FINGERPRINT	$32	Mississippi Pharmacy Board (601) 605-5388
b.	Pharmacy Technician licensure	*Miss. Code Ann.* § 73-21-111	FINGERPRINT	$32	

1. O	Private Schools	*Miss. Code Ann.* §37-9-17	FINGERPRINT	$32	Contact CIC for addt'l info (601) 933-2600
1. P	Public Schools	*Miss. Code Ann.* §37-9-17	FINGERPRINT	$32	Department of Education (601) 359-3513
1. Q	Public School Attendance Officers	*Miss. Code Ann.* §37-13-89	FINGERPRINT	$32	Department of Education (601) 359-3513
2. C	Sex Offender Registry Checks	*Miss. Code Ann.* §§45-33-21 *et seq.*	STATE NAME	no charge	MSOR (601) 368-1740
1. R	Title Pledge Lenders	*Miss. Code Ann.* §75-67-421	FINGERPRINT	$32	Department of Banking & Consumer Finance (601) 359-1031
1.S	University of Mississippi Medical Center Employees (direct patient care)	*Miss. Code Ann.* § 37-115-41	FINGERPRINT	$32	University of Mississippi Medical Center (601)984-1000