

2009 Employee Criminal History Background Check Legislation

Issue: The Department of Licensing lacks the authority to obtain criminal history information needed to comply with the federal requirements of the Enhanced Driver License program.

In January 2008, the Department implemented the Enhanced Drivers License (EDL). DOL employees involved in issuing the Enhanced Driver Licenses are required by the US Department of Homeland Security (DHS) to undergo an FBI fingerprint criminal history background check. This check includes an inquiry to the FBI's National Criminal Information Center (NCIC) system for relevant arrests, wants, warrants, and convictions.

DHS is aware of DOL's lack of authority to perform these required background checks and agreed to do them on our behalf through June 2009. At that time, DOL is required to take over the process. A state agency (DOL) must have legislative authority in order to obtain the criminal history information from the FBI.

Proposed solution: DOL is requesting legislation which will provide DOL with the authority to request and receive criminal background check information that will be used to make hiring decisions for the agency's EDL program.

The EDL program has been a tremendous success for our state and established us as a leader in cross-border travel and security issues. Our continued success depends on our ability to recruit and properly credential employees to issue these highly secure driver licenses and ID cards after the DHS stops doing criminal background checks for us in June 2009.



By the numbers

75: Estimated number of background checks DOL will perform annually

14: Current number Licensing Services Offices where citizens can get an EDL

110: Current number of DOL employees approved to process EDL applicants

38,726: Number of EDLs issued as of Feb. 2, 2009