



September 25, 2025



New Background Check Requirements in North Carolina

A joint educational webinar for the park and recreation profession, presented by RRS and NCRPA

Webinar resources may be found on the RRS website:

<https://rrs.cnr.ncsu.edu/resource-library/nc-legislation/>

This document includes the slide deck used during the webinar, and a summary of the “chat discussion” between participants and presenters.

Key Discussion Themes from Webinar Chat

Scope and Definition of Requirements

- Clarification on which employment categories and roles are subject to the new requirements. Specific questions address **contracted instructors**, **part-time employees (PTEs)**, **seasonal versus temporary employees**, and **employees under the age of 18**.
- The definition of “working with youth” and what age range constitutes “children” under the law (e.g., 12 and under vs. 18 and under).
- Whether the requirement applies to staff who are around youth but for whom contact is not in their job description, such as **Parks staff doing maintenance** or **janitorial staff** assigned to a youth center.
- Applicability to **officials, umpires, or referees**, particularly differentiating between W2 employees and 1099 independent contractors.

- Whether the requirements extend to individuals like **guest speakers for camps** or volunteers/coaches.
- Whether employees who are **promoted** into a position requiring checks or those who have previously been fingerprinted (e.g., Child Support Enforcement staff) need to be recertified or checked again.

Logistical and Operational Processing

- The capacity and readiness of the State Bureau of Investigation (SBI) to handle the increased workload and potential backlogs.
- The process for handling **out-of-state applicants** who need fingerprinting.
- The mechanisms for submitting fingerprints (electronic vs. non-electronic), including whether local law enforcement (county sheriff's office/municipal police) can handle in-house processing and submission to SBI.
- The speed of results, particularly concerning whether electronic prints are mailed and the typical turnaround time for checks (estimated at 2-3 weeks).
- The availability of **electronic scanning resources**, including a list of law enforcement agencies that do digital scans and the possibility of using mobile scanning technology for hiring events.

Financial Impact and Costs

- Identifying who is responsible for paying the associated fees and checks (the organization or the applicant), including the SBI's \$38 fee and potential fees charged by local police agencies for fingerprinting services.
- Inquiries regarding whether the state provided **financial resources** to local governments to offset the budget impact. (they did not for local governments or for the SBI)
 - The potential for municipalities to share costs of fingerprint fees.
 - The approximate cost to purchase electronic fingerprint scanning equipment and software. *(Depends on equipment and packages you choose. \$6,800-\$12,000 for just equipment. I am unsure about continued cost for use, subscriptions, maintenance etc.)*
- Strategies to minimize cost, such as conducting a standard background check first to eliminate unacceptable applicants before proceeding with fingerprinting.

Administrative Compliance and Legal Framework

- The requirement for municipalities to have a signed and approved **Non-Criminal Justice Access Agreement** with the SBI before requesting background checks.
- The required procedure for **becoming an authorized official** to receive and review results, including submission of forms and necessary training.

- Which department (e.g., HR versus Parks & Recreation) should receive the results.
- Compliance requirements for the **storage of records**, including meeting CJIS security standards, especially since results may arrive via paper mail.
- The requirement for agencies to establish separate accounts (e.g., non-law enforcement agency accounts) to manage the process.
- Questions about potential conflict or interplay with existing legislation, such as **HB 315** (Fire Departments).
- The need to update job postings, policies, and conditional offer verbiage to reflect satisfactory background checks as a condition of employment.

Legal Clarity and Interpretation

- Concerns regarding the impact of the law and whether sufficient feedback was given to the state legislature.
- Seeking clarification from the **State Attorney General** on the interpretation of the law, suggesting that open interpretation by municipalities is problematic.
- Inquiries about how the process handles the potential sealing of **juvenile records (under 18)**.
- Whether previous criminal background checks can be reused.
- Examples of other states, such as Florida and the City of Orlando, that have similar state-supported background check processes.

New Background Check Requirements

Joint Partnership to inform the P&R profession



Agenda

- What do we know?
- What does it mean?
- What are we unsure about?
- Recommendations
- Resources
- Questions & Comments

What do we know?

Originally started as HB 162 “Local Gov’t Applicants/Criminal History Check”

On 6/5/25 HB 162 language was incorporated into HB 612 “Fostering Care in NC Act”

HB 612 was ratified on 6/19/25 with this language in the Bill title, “*...and to Provide That Counties and Cities Require Criminal History Record Checks for Applicants Offered a Position if the Position Requires the Applicant to Work With Children in Any Capacity.*”

Ratified HB 612 became Session Law (SL) 2025-16, signed into effect on 6/26/25

What does it mean?

Any and all county or municipal government applicants **if offered a position that “work[s] with children in any capacity”** must be subject to a **criminal background check by the NC State Bureau of Investigation (SBI)**. NCGS § 143B-1209.26 authorizes SBI to provide a **State and National criminal records check** for local governments **with the use of the potential employees’ fingerprints.**

SL 2025-16 goes into effect 10/1/25.

What does it mean? (continued)

- Who will need to go through the process?
 - Any individual that will “work with children in any capacity” that has been tendered a conditional offer of employment (full or part-time).
- What will the SBI need, at minimum, to conduct their background check?
 - Applicant’s fingerprints.
 - Signed permission form from the applicant consenting to the background check.
- Applies to conditional offers of employment effective on 10/1/25 and after.
- Does not apply to existing employees..... unless an existing employee applies and is offered a new position that will “work with children in any capacity” after 10/1/25.
- SL 2025-16 does not appear to include unpaid volunteers.

What does it mean? (continued)

- The SBI **only** accepts electronic fingerprints from law enforcement agencies. They are **not** accepted from third-party vendors.
- Electronic fingerprints are usually received and ready for processing in 24 hours.
- Non-electric fingerprints can take 3-4 weeks to be entered into the system for processing.
- Processing time - up to 2 weeks.
- Results are **mailed** via the USPS. Timeframe - unknown
- \$38/person

What we are unsure about?

- What is the definition of “works with children”?
- Can a person offered a job begin work before their background check is received?
- Can you work with law enforcement agencies to expedite the local fingerprinting process?
- What criteria will be used to determine approval to work with children?
Who sets this criteria?
- What is USPS delivery time of background check results?
- How are the results handled once received locally?

What we are unsure about?

- Does a background check have to be repeated if they take a break in employment? How does this impact your local payroll process?
- What about contractors? Partner programs? Only those who receive a W-2?
- Are 16-17 year olds required to be fingerprinted?
- How long is the background check valid? What if an employee takes a break?
- Impact to your hiring process and schedule?
- Budget implications

Recommendations

From the NC League of Municipalities and NC Association of County Commissioners:

- Every government will have to make its own determination on how the law will be interpreted.
- Everyone should be fingerprinted - including those under 18

Recommendations

- Create a Local Team - Parks & Recreation, Human Resources, Legal, Law Enforcement, Management
- Define unacceptable offenses if not already in place
- Review hiring timelines - adjust based on the information provided by the SBI
- Plan ahead
- Look for efficiency opportunities
- Share and learn from your peers
- Connect with RRS and NCRPA and let us know about your process, successes, and challenges.

Resources

NCRPA - [Shared Learning Form](#) and [Results](#)

[Recreation Resource Service NC Legislation web resource](#)

UNC-CH School of Government

- Excellent article by Kristi Nickodem, Assistant Professor, UNC-CH School of Government on the topic, 8/26/25.
- [New Criminal History Record Check Requirements for Some County and City Job Applicants](#)

Thanks for attending

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