

Summary of Changes in Final Rule on Criminal History Checks

For clarity, we are now using the term “National Service Criminal History Check” to describe two separate components:

- a. A search (by name or fingerprint) of the State criminal registry for the State in which the program operates and the State in which the individual resides at the time of application;
- b. A National Sex Offender Public Registry (NSOPR) check

While State criminal registry checks need to be conducted for individuals who apply only on or after the effective date of the final rule, an NSOPR check must be conducted on all individuals who are serving in covered positions at the time the final rule becomes effective. In addition an AmeriCorps participant who is serving at the time the rule becomes effective (November 23, 2007) will have to undergo a criminal registry check for a 2nd term of service, even if he or she serves in the same program.

We have added a provision in the final rule stating that an individual who refuses to consent to a State criminal registry check is not eligible to serve. This was previously included in the preamble to the proposed rule, but not in regulatory language.

We have added regulatory language stating that no applicant may have unsupervised access to vulnerable individuals (as defined in the rule) until the results of his or her State criminal registry checks have been reviewed and verified by the program.

We will require programs to keep the actual results of the criminal history checks in the participants’ files, unless prohibited from doing so by State law.

We have clarified language relating to the criteria we will apply to a request for approval of an alternative search procedure to cover situations where a duly-authorized State or local body has established substantially equivalent requirements that are designed to protect one or more vulnerable populations that are covered by the final rule.