

ARTICLE 55

CIVIL FINGERPRINTING

Section 1 Purpose and Authorization

In order to protect the health, safety, and welfare of the inhabitants of the Town of Natick (the Town), and as authorized by Chapter 6, Section 172B½ of the Massachusetts General Laws, this Article 55 shall require (a) applicants for a license for an occupation listed in Section 2 below to submit to fingerprinting by the Natick Police Department (the Police Department), (b) the Police Department to arrange for the conduct of fingerprint-based criminal record background checks, and (c) the Town to consider the results of such background checks in determining whether or not to grant such a license.

The Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successor entities, as may be applicable, are hereby authorized to conduct on behalf of the Town and the Police Department fingerprint-based state and national criminal history records checks, including of FBI records, consistent with this Article 55. The Town authorizes its Police Department to receive and utilize records of the Massachusetts State Police, the DCJIS, and the FBI in connection with such criminal history records checks, consistent with this Article 55. The Town shall not disseminate criminal history record information received from the Massachusetts State Police, the DCJIS and the FBI to unauthorized persons or entities.

Section 2 Licenses Subject to Fingerprinting

Any applicant for a license to engage in any of the following occupational activities within the Town shall have a full set of fingerprints taken by the Police Department, within seven (7) days of the date of the application for such license, for the purpose of conducting a state and national fingerprint-based criminal history records check to determine the suitability of the applicant for the license:

- Manager of Alcoholic Beverage License Holder
- Hawkers, Peddlers, Solicitors and Canvassers
- Ice Cream Truck Vendor
- Junk Dealers
- Owner or Operator of a Public Conveyance
- Dealer of Second-Hand Articles
- Pawn dealers
- Hackney Drivers

At the time of fingerprinting, the Police Department shall notify each individual who is fingerprinted that his or her fingerprints will be used to check such individual's FBI and state criminal history records.

Section 3 Police Department Procedure

The Police Department will forward the full set of fingerprints obtained pursuant to Section 2 of this Article 55 either electronically or manually to the State Identification Section of the Massachusetts State Police, the DCJIS and/or the FBI (or their successors) as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in said Section 2.

The Police Department will provide the applicant with a copy of the results of his or her fingerprint-based state and national criminal history records check and supply the applicant with an opportunity to challenge the accuracy or completeness of the information contained in it, including the FBI Identification Record. Any applicant that wishes to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34 (as may be amended from time to time). In no event shall the Police Department render a suitability evaluation pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with any other procedures required by any Town policy applicable to licensing-related criminal record background checks.

The Police Department will communicate the results of fingerprint-based criminal history records check to the Select Board. The Police Department will in addition render to the Select Board its evaluation of the applicant's suitability for the proposed occupational activity based on the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability and shall indicate whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her suitability for the proposed occupational activity, or any felony or misdemeanor that involved force or threat of force, controlled substances, or a sex-related offense.

Section 4 Reliance by Licensing Authority on Results of Fingerprint-Based Criminal Records Background Checks

The Select Board may utilize the results of any fingerprint-based criminal records background check performed pursuant to Sections 2 and 3 of this Article 55 for the sole purpose of determining the applicant's suitability for the proposed occupational activity. The Select Board may deny an application for any license specified herein, including renewals and transfers thereof, if it determines that the results of the fingerprint-based criminal records background check render the applicant unsuitable for the proposed occupational activity. The Select Board shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

No application shall be denied on the basis of information contained in a criminal record until the applicant has been afforded a reasonable time, as determined by the Select Board, to correct or complete the information, or, after being afforded the opportunity has declined to do so.

Section 5 Town Policy

The Police Department, subject to the approval of the Select Board, shall develop and maintain written policies and procedures for its licensing-related criminal record background check system.

Section 6 Fees

Each applicant for a license listed in Section 2 above shall pay a fee of \$50.00, of which \$30.00 shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, as specified by Chapter 6, Section 172B1/2 of the Massachusetts General Laws.”