

Coates' Canons NC Local Government Law

New Criminal History Record Check Requirements for Some County and City Job Applicants

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A new state law (Session Law 2025-16) enacted this summer will soon require all counties and cities in North Carolina to subject all applicants for positions that require working with children in any way to criminal history record checks conducted by the North Carolina State Bureau of Investigation (SBI). Read on to learn more about these new requirements, which are effective October 1, 2025.

What does the new law require counties and cities to do?

The new requirements for counties and cities are found in Part IV of Session Law 2025-16. For counties, the new statute is G.S. 153A-94.2(b). For cities, the new statute is G.S. 160A-164.2(b). Both new statutes impose the same requirements.

If a position being filled by a county or city “requires an applicant for employment to work with children in any capacity,” every board of commissioners and city council must require the applicant, if offered the position, to be subject to a criminal history record check conducted by the SBI. These checks must be conducted in accordance with G.S. 143B-1209.26, the statute which authorizes the SBI to provide a fingerprint-based state and national criminal record check to cities and counties.

How does this new requirement interact with existing state law regarding criminal history record checks for city and county employees?

For two decades, G.S. 153A-94.2 has authorized (but not required) boards of county commissioners to subject applicants for employment of any kind to a criminal history record check conducted by the SBI. G.S. 160A-164.2 has given the same authority to city councils.

These existing provisions remain in effect, and they continue to allow local governing boards to

require applicants to undergo criminal history record checks. What's new from S.L. 2025-16, as of October 1, is that local governing boards *must* require applicants for positions that will involve working with children to undergo a criminal history record check—regardless of whether the local governing board has such a requirement for other categories of applicants. Counties and cities should review their personnel policies and ordinances to ensure that the new requirements regarding positions that require working with children are properly reflected.

To which city or county positions will these new requirements apply?

This is the big question. The new statutory provisions—G.S. 153A-94.2(b) and G.S. 160A-164.2(b)—do not provide a list of covered positions. Instead, they simply state that these requirements apply to any position that “requires an applicant...to work with children in any capacity.”

The word “children” is not defined in these statutes. However, it would seem reasonable to assume that it aligns with the definition of “juvenile” in North Carolina’s Juvenile Code, which includes any person who is not yet 18 years old and is not married, emancipated, or a member of the Armed Forces. G.S. 7B-101(14).

Cities and counties will have to determine which applicants are covered by considering the expected job duties of each specific position and whether those job duties *require* working with children in any way. It seems apparent that these new statutory provisions will apply to any position where the employee will be responsible, to any extent, for supervising, transporting, interviewing, teaching, coaching, helping, or caring for individuals under the age of 18. In the local government context, this will likely include social workers, nurses and other medical staff, parks and recreation staff, EMS employees, librarians, and other roles, each depending on the nature of the specific position’s required job duties.

What must a city or county provide to the SBI for the criminal history record check?

When requesting a criminal history record check for an applicant, G.S. 143B-1209.26 requires a city or county to provide to the SBI:

- The fingerprints of the applicant;
- A form signed by the applicant consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories of Criminal Histories;
- and any additional information required by the SBI.

An SBI website explaining the steps a county or city must take to access criminal history record information is available here: [NCSBI – Agency Access Agreement](#). Counties and cities should read and follow these steps carefully, including ensuring that any employee who may obtain or access criminal history record information understands and will comply with the terms of the SBI's agency access agreement.

For questions about the process, contact information for the SBI's Access Integrity Unit is available here: [NCSBI – Employers/NC Licensing Entities](#). More information about applicant fingerprinting is available here: [NCSBI – Fingerprinting](#).

How does the SBI criminal history record check process work?

The SBI uses fingerprints to search the state criminal history record file and forwards a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. Counties and cities must pay a fee to cover the cost of the SBI's record check process (currently, \$38 for the combined national/state record check).

The city or county must keep all information that it obtains through the background check process confidential. [G.S. 143B-1209.26](#).

When should this occur during the county or city's hiring process?

A criminal history record check must only occur *after* the county or city has extended a conditional offer of employment to an applicant, pending the results of the check. In other words, a local government should not seek to run a criminal history record check *prior to* making a conditional offer for employment, nor should the local government wait until *after* an applicant has already started working in the position before seeking the criminal history record check.

When does this new requirement for counties and cities go into effect?

These requirements become effective October 1, 2025, and apply to offers of employment made on or after that date.

Do these new provisions require counties to get criminal history record checks for their current employees who work with children (i.e., employees hired prior to October 1, 2025)?

No, the requirements do not apply retroactively. They only apply to offers of employment made on

or after October 1.

What if a county or municipal employee is not *initially* hired into a position that requires working with children, but later transitions into such a position? Do these requirements apply at that time?

The statutes contemplate that an “applicant for employment” for a position that requires working with children must be subject to a criminal record history check. Accordingly, the answer as to when these requirements apply to a position change during the course of employment likely depends on whether an existing county or city employee is considered an “applicant” for a different position within the county or city. For example, a county might post a position that requires working with children and have multiple internal and external candidates apply for that position. If one of those internal candidates is the preferred applicant for the role, then the new G.S. 153A-94.2(b) arguably requires the county to subject the internal candidate (as an “applicant”) to a criminal history record check after making the candidate a conditional offer.

Do these new requirements apply to unpaid volunteers?

No. The new statutory provisions only apply to “applicant[s] for employment.”

May an applicant request a copy of their own criminal history record information?

Yes. By law, each individual has a right to review their own criminal history record information to ensure that it is complete and accurate. *See* 14B NCAC 18B .0404; 28 C.F.R. 20.34. The SBI has more information about how an individual may obtain a copy of their own state or national criminal history record here: [NCSBI – Personal Review](#).