

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

Senate Bill 152

(Senator Gladden)

Judicial Proceedings

Judiciary

Family Law - Criminal History Records Check Costs - Exemption for Volunteers

This bill exempts volunteers who work with children through programs registered with the Maryland Mentoring Partnership (MMP) from paying the administrative costs and fees for access to Maryland criminal history records.

Fiscal Summary

State Effect: General fund revenues could decrease by \$76,950 in FY 2008. Out-years include annualization and a 5% annual increase in volunteers eligible for exemption from the fees. Expenditures would not be affected.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
GF Revenue	(\$77,000)	(\$107,700)	(\$113,100)	(\$118,800)	(\$124,700)
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	(\$77,000)	(\$107,700)	(\$113,100)	(\$118,800)	(\$124,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A volunteer who works with children and has to obtain a national and State criminal history records check is not required to pay the fee for access to Maryland criminal history records and the administrative fee assessed by the Department of Public Safety and Correctional Services (DPSCS). The volunteer would, however, be required

to pay the mandatory processing fee assessed by the Federal Bureau of Investigation (FBI) for the national criminal history records check.

The bill applies to individuals who volunteer for a program that is registered with MMP and that operates in any of the following facilities: (1) licensed child care centers; (2) registered family day care homes; (3) licensed child care homes; (4) licensed child care institutions; (5) juvenile detention, correction, or treatment facilities; (6) public schools; (7) private or nonpublic schools that are required to report to the State Department of Education; (8) foster care family home or group facility; (9) government-operated recreation centers or programs that primarily serve minors; (10) day or residential camps that primarily serve minors; (11) local departments of social services; or (12) other facilities not identified above where the employer requires a criminal history records check.

Current Law: An employee and employer at any of the facilities listed above and other persons specified in statute must apply for a national and State criminal history records check at any designated law enforcement facility in Maryland. Also, an employer may require a volunteer at one of these facilities to obtain a criminal history records check. A local department of social services may require a volunteer of that department who works with children to obtain a criminal history records check. An employer at a facility not listed above who employs individuals to work with children may require employees, including volunteers, to obtain a criminal history records check.

A person who is required to have a criminal history records check must pay the mandatory processing fee for the national records check assessed by the FBI, reasonable administrative costs to DPSCS, and the fee for access to Maryland criminal history records. An employer or other party may pay the costs for the person who must obtain the records check. A local department of social services is required to reimburse the costs of the required background check to an adult residing in a foster home and any adult known by the local department to be residing in the home of a parent or guardian of a child committed to the local department.

Background: In Maryland, the total cost of each criminal history records check for volunteers who work with children is \$56, which includes State and national background checks plus fingerprinting, and a discount for the national background check. The Criminal Justice Information System (CJIS) Central Repository is authorized by law to collect an \$18 fee established for Maryland criminal history checks. This fee represents cost recovery for processing and administration and is revenue/cost neutral. There is also normally a \$20 flat fingerprinting fee. Rather than the normal fee of \$24, the FBI charges a fee of \$18 for a national criminal history records check for volunteers who work with children. In addition, the Maryland State Police charges \$5.00 per fingerprint card to

offset the cost of taking the fingerprints. Two fingerprint cards (Maryland/FBI) are needed for a State and national criminal history record information check. The CJIS Central Repository must collect the fees from the applicant or other payer, and reimburse the FBI through that agency's monthly billing.

MMP was established in January 2002 from the former Baltimore Mentoring Partnership organization. MMP is a nonprofit organization that is a resource, clearinghouse, and advocate for mentoring organizations in Maryland. MMP develops relationships with community, governmental, educational, and faith-based organizations that have established mentoring programs. MMP reports more than 45,000 young people were served by mentors in fiscal 2006.

State Fiscal Effect: General fund revenues in DPSCS could decrease by \$76,950 in fiscal 2008, accounting for the bill's October 1, 2007 effective date, as a result of fees for criminal history records checks that would not be paid. DPSCS advises that 2,700 records checks of eligible volunteers were processed in fiscal 2006. For purposes of this estimate, it is assumed that 2,700 volunteers would meet the criteria for waiver in fiscal 2008 and the pool of eligible volunteers would increase by 5% in future years. The volunteers would be exempt from paying \$38 of the \$56 required for a State and national criminal history records check. However, the volunteers covered by this bill would still be required to pay an \$18 fee to the FBI for the national criminal history records check and, in addition, pay \$10 for required State and national fingerprint cards that are printed by the Maryland State Police. DPSCS advises that it currently does not charge administrative fees to process criminal history records checks.

This bill would have no fiscal impact on the Department of Human Resources or the Department of Juvenile Justice, as the departments are not required to pay any of the fees for records checks. The departments, however, have a policy of reimbursing volunteers who work in their facilities for the cost of required State criminal history records checks.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 186 of 2006 and SB 877 of 2005. SB 186 received an unfavorable report from the Senate Judicial Proceedings Committee and SB 877 was heard by the Senate Judicial Proceedings Committee, but no action was taken on the bill.

Cross File: None.

Information Source(s): Department of Juvenile Services, Department of Human Resources, Department of State Police, Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2007
ncs/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510