

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 104

(Senator Stone)

Judicial Proceedings

Judiciary

**Baltimore County - Prospective Employees and Volunteers - Criminal History
Records Check**

This bill authorizes the County Administrative Officer of Baltimore County or a designee to request a State and national criminal history records check from the Criminal Justice Information System (CJIS) Central Repository in the Department of Public Safety and Correctional Services (DPSCS) for prospective employees or volunteers. The county administrative officer or designee, who must be the director of human resources or the director's designee, must submit two sets of the prospective employee's or volunteer's fingerprints and pay the fees for such requests.

The central repository is required to forward the criminal history record information to the prospective employee or volunteer and the county administrative officer or designee. Information obtained by the central repository is confidential, may not be disseminated, and may only be used for personnel-related purposes. The subject of such a records check may contest the contents of the printed statement issued by the central repository. The county is required to adopt guidelines to implement these provisions.

Fiscal Summary

State Effect: Any payments from Baltimore County for criminal history records checks are cost recovery only. CJIS can handle the bill's requirements with existing resources.

Local Effect: County expenditures increase by an estimated \$6,500 in FY 2010 and by an estimated \$8,700 in subsequent years, depending on the number of criminal history records checks that the county administrative officer requests. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Six counties (Anne Arundel, Carroll, Howard, Montgomery, Prince George's, and Washington) are authorized to request criminal history records checks from the CJIS Central Repository for varying purposes not related to criminal justice.

Background: The CJIS Central Repository collects, manages, and disseminates Maryland criminal history record information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

CJIS is a fingerprint-supported system for positive identification. Fingerprints can be taken at many police departments, private organizations that have been certified by CJIS, and the CJIS Customer Service Center at Reisterstown Road Plaza in Baltimore. Fingerprints may also be taken at Motor Vehicle Administration "Hazmat" sites. The CJIS Customer Service Center charges a \$20 flat fingerprinting fee and the Maryland State Police charges \$5 per fingerprint card to offset the cost of taking the fingerprints. Local police departments and private organizations charge varying fees for fingerprinting. One fingerprint card is required for a Maryland-only records check; two fingerprint cards (Maryland/Federal Bureau of Investigation (FBI)) are needed for a State and national records check.

When a bill (or the cumulative effect of bills during a session) is expected to generate a large number of applications for criminal history records checks, the fingerprint identification system must be expanded. For every 40,000 additional applications, one fingerprinting specialist may need to be hired (Gr. 8, base – standard salary schedule July 1, 2008: \$25,239).

When a state mandates a national check, the FBI requires that the national check be set in statute. The FBI charges a fee of \$19.25 for a national records check. In the case of volunteers who work with children, the elderly, or the disabled, the FBI only charges an \$18 fee. The CJIS Central Repository collects the fee from the applicant and reimburses the FBI. The CJIS Central Repository is authorized by law to collect a fee for providing criminal history record information for purposes other than criminal justice. COMAR 12.15.01.14A sets the fee at \$18. Revenue from these fees is used to provide the service.

Representative cost per records check:

State and National CHRI Check

\$19.25 FBI fee
18.00 CJIS fee
20.00 Fingerprint fee
\$57.25 Total

Maryland CHRI Check

\$18.00 CJIS fee
20.00 Fingerprinting fee
\$38.00 Total

Baltimore County advises that the bill affects approximately 450 criminal history records checks that are performed annually, with respect to prospective employees and volunteers, especially those who deal directly with children. Currently, these background checks do not benefit from access to FBI records, which the bill allows. This excludes background checks for county public safety agencies (fire, police, corrections, and 911), that are performed at no cost to the county.

Local Fiscal Effect: Baltimore County currently contracts for criminal history records checks. Subject to passage of this bill, a revised contract will increase the charge to the county for this service from the current level of \$55.75 to \$75.00 per background check, or by \$19.25 per check. Given the October 1, 2009 effective date for this bill, and assuming 450 background checks per year, county expenditures increase by \$6,497 in fiscal 2010 and by \$8,663 annually beginning in fiscal 2011.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2009
mcp/mwc Revised - Senate Third Reader - March 25, 2009

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