

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2058 Amendment to: _____

Requested by Legislative Council Date of Request: December 23, 1998

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

Any increase in the number of non-criminal justice records checks requested of the Bureau of Criminal Investigation will require additional staff resources and additional space to accommodate increased personnel.

The legislative assembly, in 1987, anticipated that if there was not a fee attached to non-criminal justice records checks, the volume of requests would be such that BCI staff could not process them. Consequently, a \$20 fee was required, and the number of non-criminal justice requests was manageable by the staff. In recent years, however, despite the fee, requests have increased dramatically. The following numbers illustrate that increase:

<u>Year</u>	<u>Non-Criminal Justice Record Requests</u>
1987	152
1988	661
1989	701
1990	813
1991	935
1992	1,427
1993	1,857
1994	2,646
1995	3,145
1996	4,277
1997	5,007
1998	6,175

(as of Dec. 17th, 6,300 estimated)

The fees received for these checks (anticipated to be approximately \$126,000 in 1998) are added to the General Fund. The majority of non-criminal justice requests for record checks are for employment purposes, although there is also increased use for housing or other purposes. Records checks for Education and Foster Care have contributed to the increase in 1998.

The only purpose for which the fee has been waived by legislative action is the Care Check Registry for day care operators. This is not a required criminal records check and only approximately 300 of these checks have been done since 1992.

The BCI Criminal Records Unit has been contending with backlogs in entering criminal history record information for approximately two years. The number of arrests has increased, the number of fingerprinting cards received has increased, and this is the

information that creates the criminal history record. If the information received is not entered, the information provided for records checks is not accurate and complete. An additional position has been requested in the Attorney General's budget to help reduce the backlog of fingerprint card entries. This position, however, deals with the increase in incoming information. Another position will be required if there is any increase in outgoing information as would occur with this bill.

The following is estimated to support this position for the next biennium:

Salary	\$ 67,584
Benefits	26,072
Total	\$ 93,656
Operating Expenses	\$ 23,240
Grand Total	\$116,896

Operating expenses include computer equipment, training, and additional office space, in addition to a share of support services.

The amendment to Section 12-60-16.9, which would waive the current \$20 fee for organizations which are (1) nonprofit, (2) operated exclusively for charitable purposes, and (3) operated exclusively for the benefit of minors, does not make it clear how many organizations would meet those criteria, or how many would choose to avail themselves of the waiver. Therefore, any estimate of the number of record checks it would generate is purely speculative.

Note: Other bills which have the effect of increasing the number of non-criminal justice record checks would be anticipated to share this fiscal note and should be referenced.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:						
Expenditures:			\$116,896		\$121,572	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: none
- b. For the 1999-2001 biennium: none
- c. For the 2001-03 biennium: none

4. **County, City, and School District** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

If additional space is needed
attach a supplemental sheet.

Signed Jerald C Kemmet

Typed Name Jerald C. Kemmet

Date Prepared 12/29/98

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