

FISCAL NOTE

Requested by Legislative Council
02/14/2003

Amendment to: SB 2041

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$120,000			
Expenditures	\$0	\$0	\$175,551		\$175,312	
Appropriations	\$0	\$0	\$175,551		\$175,312	

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$20,000	\$40,000	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill establishes a criminal justice information sharing (CJIS) board. The board will set policy regarding the collection, storage and sharing of criminal justice information and the related systems.

The amendments adopted by both the Senate committees, and the full Senate, remove the funding for the CJIS board. In addition, the bill provides for the Bureau of Criminal Investigation (BCI) to obtain an FBI criminal history check for nonprofit organizations engaged in activities involving direct contact with minors by the organization's employees, agents, or volunteers, for which the organization will pay the costs.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The fastest growing segments requesting record checks are those that affect the safety of children and other state citizens. Previous legislation has mandated or permitted criminal records checks for various groups, and the current legislature will consider several more, including church employees and volunteers. 2003 House Bill No. 1252 and Senate Bill No's. 2223 and 2253 provide for criminal background checks to various entities through the BCI. These bills, along with Senate Bill No. 2041, will create significantly higher workload for which additional staff and expenses will be required.

The private entity would contact police or sheriff departments to fingerprint the person to be investigated. The fiscal impact shown for cities and counties relates to the income each is estimated to receive for this purpose. The BCI would bill the private entity for the FBI check. All of revenues from the federal record checks are sent to the FBI – BCI is unable to retain any of this revenue. Fees for the federal record checks would be \$22 for employees, and \$16 for volunteers. State checks would be \$20 for both employees and volunteers. Total fees would either be \$42 for employees or \$36 for volunteers.

Revenue estimates for the 2005-07 biennium are unavailable.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

2003 House Bill No. 1252 and Senate Bill No's. 2223 and 2253 provide for criminal background checks through the BCI – the Office's appropriation has yet to be adjusted for these significant workload increases. These bills, along with Senate Bill No. 2041, will create a significantly higher workload for which additional staff and expenses would be required. Two identification technicians and related expenses are reflected in this bill to address the four bills mentioned above.

It is important to be aware that background checks information is only as good as the data entered into the system. It is critical to have the system up-to-date (rather than backlogged as has occurred previously due to insufficient staffing). If the BCI receives background checks requests but is unable to input charges and dispositions, comprehensive checks would not occur, which could result in hiring staff or volunteers who probably should not work with children.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

2003 House Bill No. 1252 and Senate Bill No's. 2223 and 2253 provide for criminal background checks through the BCI – the Office's appropriation has yet to be adjusted for these significant workload increases. These bills, along Senate Bill No. 2041, will create a significantly higher workload for which additional staff and expenses will be required. Two identification technicians and related expenses are reflected for this bill.

Name: Robert Helten/Kathy Roll
Phone Number: 701-328-5500/328-3622

Agency: Office of Attorney General
Date Prepared: 02/18/2003