

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 881

(Washington County Delegation)

Environmental Matters

Judicial Proceedings

**Washington County - Prospective County Employees - Criminal History Records
Checks and Background Investigations**

This bill authorizes the County Administrator of Washington County to request the Criminal Justice Information System (CJIS) Central Repository to conduct State and national criminal history records checks or an independent private investigation agency to conduct a background investigation of prospective county employees. The county administrator must provide two complete sets of legible fingerprints on approved forms to CJIS and pay the fees associated with the criminal history records checks or background investigations. The bill also authorizes the Washington County Commissioners to adopt regulations, guidelines, and policies regarding criminal background checks for prospective county employees. The bill also provides that information obtained from CJIS is confidential, may only be used for employment purposes, may not be disseminated, and may be contested by the prospective employee.

Fiscal Summary

State Effect: The total cost of a criminal history records check and fingerprinting is \$52, which includes State and national background checks. This cost would be borne by Washington County. Assuming fewer than 10,000 applicants, State expenditures would not be affected.

Local Effect: Washington County expenditures would increase by approximately \$38,800 annually to conduct criminal history records checks and background investigations of prospective county employees.

Small Business Effect: None.

Analysis

Current Law: Washington County does not have the authority to request State and national criminal history records checks and background investigations of prospective county employees.

Anne Arundel and Howard counties have the authority to request State and national criminal history records checks of prospective employees. Carroll County has the authority to request State and national criminal history records checks of certain current and prospective employees.

Background: The total maximum cost of a criminal history records check and fingerprinting is \$52, which includes State and national background checks. Maryland's CJIS Central Repository is authorized by law to collect the \$18 fee established for Maryland criminal history records checks. There is also normally a \$10 fee for fingerprint cards (\$5 for each hand). The FBI charges a fee of \$24 for a national criminal history records check. The CJIS Central Repository must collect the fee from the applicant, or other payer, and reimburse the FBI through that agency's monthly billing.

Private investigation agencies cannot obtain criminal history records checks unless acting on behalf of a private employer that has received permission from CJIS. Private investigation agencies may obtain public court records in Maryland and other states. However, name checks in public court records does not constitute an official criminal history records check.

Local Fiscal Effect: Washington County advises that approximately 50 background checks would be conducted annually for prospective county employees and that the cost of all background checks would be borne by the county. Approximately half of the background checks would be criminal history records checks conducted by the CJIS Central Repository and the remaining half would be background investigations conducted by private investigation agencies for prospective county employees selected to fill sensitive positions such as deputy sheriff positions and jobs requiring fiduciary responsibilities. Washington County anticipates an average cost of approximately \$1,500 for cases involving a private investigator. Assuming 25 instances each year that involve the hiring of a private investigator to conduct a background investigation, Washington County expenditures would increase by approximately \$37,500 annually. Costs for criminal history records checks limited to a State and national criminal history records check and fingerprinting conducted by the CJIS Central Repository would be borne by

Washington County. Assuming 25 criminal history records checks and fingerprintings annually, Washington County expenditures would increase by \$1,300 each year. Any impact depends on the number of employees hired that require criminal history records checks and background investigations.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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