

**Department of Legislative Services**

Maryland General Assembly

2004 Session

**FISCAL AND POLICY NOTE**

**Revised**

House Bill 678

(Prince George's County Delegation)

Environmental Matters

Judicial Proceedings

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**Prince George's County - Employees - Criminal History Records Checks  
PG 314-04**

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This bill authorizes the Chief Administrative Officer of Prince George's County to request a State or national criminal history records check from the Criminal Justice Information System (CJIS) Central Repository for prospective employees, and requires the Chief Administrative Officer to pay the fees for such requests to the Department of Public Safety and Correctional Services (DPSCS). The county must adopt implementary guidelines.

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**Fiscal Summary**

**State Effect:** None. Any payments from Prince George's County for criminal history background checks are cost recovery only. CJIS could handle the requirements of this bill with existing budgeted resources.

**Local Effect:** Assuming that Prince George's County would elect to have criminal history background checks performed by CJIS rather than in-house, this bill could save the county approximately \$1,814,350, annually.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The CJIS Central Repository is established within DPSCS to collect, manage, and disseminate 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.

CJIS is the database containing the criminal history record information reflecting the official fingerprint-supported criminal record of each offender charged and adjudicated in Maryland. The CJIS Central Repository is administratively managed by DPSCS and is designated by the FBI as Maryland's State identification bureau for the exchange of criminal history records.

In Maryland, the total maximum cost of each criminal history records check is \$52, which includes State and national background checks plus fingerprinting. The CJIS Central Repository is authorized by law to collect an \$18 fee established for Maryland criminal history records checks. This fee represents cost recovery for processing and administration and is revenue/cost neutral. The FBI charges a fee of \$24 for a national criminal history records check. There is also normally a \$10 fee for two fingerprint cards (\$5 for the State card; \$5 for the separate FBI card). The CJIS Central Repository must collect the fees from the applicant, or other payer, and reimburse the FBI through the agency's monthly billing.

In recent years the scope of authorized and mandated records checks has expanded into areas with noncriminal justice purposes. These areas include a range of business and professional licensing purposes as well as employment in various child care, educational, and recreational settings. Federal laws have expanded criminal history records checks to include caregivers who serve children, the elderly, and the disabled. Since 1994 the repository has housed fingerprint-supported records of certain juveniles adjudicated delinquent for some serious crimes. The repository has housed records of the issuance and withdrawal of juvenile writs of attachment since 1998.

**Background:** Prince George's County used to have background checks done by an outside contractor at a cost of \$1,921 for sworn police officers and \$867 for civilian employees. Currently, the county does criminal history background checks in-house, at an estimated cost of \$700 each. In fiscal 2002, the county had 20,652 applications for employment. In fiscal 2003, that number was 28,815. Of those applications, there were 861 persons hired in fiscal 2002 and 812 persons hired in fiscal 2003.

For all employment applications, including sworn officers and civilian employees, the county performed about 2,800 criminal record background checks in fiscal 2003.

**Local Expenditures:** Assuming that fiscal 2003 was typical, and assuming that Prince George's County would elect to have criminal history background checks performed by CJIS rather than in-house, the cost to the county for criminal history records checks could

decrease from \$1,960,000 (2,800 checks x \$700) to \$145,650 (2,800 checks x \$52). This represents a potential annual savings of \$1,814,350.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George's County, Department of Public Safety and Correctional Services, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2004  
ncs/jr Revised - House Third Reader - April 1, 2004

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