

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 973
Judiciary

(Delegate Rosenberg, *et al.*)

Family Law - Criminal History Records Check Costs - Waiver for Volunteers

This bill provides that a volunteer who works with children and is required to obtain a national and State criminal history records check is not required to pay the fee for access to Maryland criminal history records and the administrative fee assessed by the Department of Human Resources (DHR). The volunteer would, however, be required to pay the mandatory processing fee assessed by the Federal Bureau of Investigation (FBI) for the national criminal history records check.

The bill applies to volunteers in the following facilities: (1) a licensed child care center; (2) a registered family day care home; (3) a licensed child care home; (4) a licensed child care institution; (5) a juvenile detention, correction, or treatment facility; (6) a public school; (7) a private or nonpublic school that is required to report to the State Board of Education; (8) a foster care family home or group facility; (9) a government-operated recreation center or program that primarily serves minors; or (10) a day or residential camp that primarily serves minors. The bill also applies to local department of social services volunteers who work with children as well as other facilities.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: An employee and employer at any of the facilities listed above and other persons specified in statute must apply for a national and State criminal history records check at any designated law enforcement facility in Maryland. Also, an employer may require a volunteer at one of these facilities to obtain a criminal history records check. A local department of social services may require a volunteer of that department who works with children to obtain a criminal history records check. An employer at a facility not listed above, who employs individuals to work with children, may require employees, including volunteers, to obtain a criminal history records check.

A person who is required to have a criminal history records check must pay the mandatory processing fee for the national records check assessed by the FBI, reasonable administrative costs to DHR, and the fee for access to Maryland criminal history records. An employer or other party may pay the costs for the person who must obtain the records check. The local department of social services is required to reimburse the costs of the required background check to an adult residing in a foster home and any adult known by the local department to be residing in the home of a parent or guardian of a child committed to the local department.

Background: In Maryland, the total maximum cost of each criminal history records check is \$52, which includes State and national background checks plus fingerprinting. The Criminal Justice Information System (CJIS) Central Repository in the Department of Public Safety and Correctional Services is authorized by law to collect an \$18 fee established for Maryland criminal history checks. This fee represents cost recovery for processing and administration and is revenue/cost neutral. The FBI typically charges a fee of \$24 for a national criminal history records check but only charges \$18 for volunteers who work with children, the elderly, or the disabled. 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 that agency's monthly billing.

State Fiscal Effect: DHR advises that the current practice of most residential facilities and local departments of social services is to absorb the cost of background checks for volunteers, thus the requirements of the bill could be met with existing resources. It is assumed that the Department of State Police could meet the requirements of the bill with existing resources.

Additional Information

Prior Introductions: An identical bill, SB 877 of 2005, had a hearing before the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Washington County, Montgomery County, Prince George's County, Kent County, Department of Human Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2006
nas/ljm

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