

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 186 (Senator Gladden)
 Judicial Proceedings

**Family Law - Criminal History Records Check Costs - Reimbursement for
 Volunteers**

This bill exempts volunteers who work with children through programs registered with the Maryland Mentoring Partnership (MMP) from paying the administrative costs and fees for access to Maryland criminal history records.

Fiscal Summary

State Effect: General fund expenditures increase \$94,500 in FY 2007 for criminal history records check fees that would no longer be paid by volunteers. Out-years include annualization and a 5% annual increase in volunteers eligible for exemption from the fees.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	94,500	132,300	138,900	145,900	153,200
Net Effect	(\$94,500)	(\$132,300)	(\$138,900)	(\$145,900)	(\$153,200)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A volunteer who works with children and has 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 Public Safety and Correctional Services (DPSCS). 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 individuals who volunteer for a program that is registered with MMP that operates in the following facilities: (1) licensed child care centers; (2) registered family day care homes; (3) licensed child care homes; (4) licensed child care institutions; (5) juvenile detention, correction, or treatment facilities; (6) public schools; (7) private or nonpublic schools that are required to report to the State Department of Education; (8) foster care family home or group facility; (9) government-operated recreation centers or programs that primarily serve minors; (10) day or residential camps that primarily serve minors; (11) local departments of social services; or (12) other facilities not identified above where the employer may require a criminal history records check.

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 DPSCS, 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. A 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 cost of each criminal history records check for volunteers who work with children is \$46, which includes State and national background checks plus fingerprinting, and a discount for the national background check. The Criminal Justice Information System (CJIS) Central Repository 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. Rather than \$24, the FBI charges a fee of \$18 for a national criminal history records check for volunteers who work with children. 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.

MMP was established in January 2002 from the former Baltimore Mentoring Partnership organization. MMP is a nonprofit organization that is a resource, clearinghouse, and advocate for mentoring organizations in Maryland. MMP develops relationships with community, governmental, educational, and faith-based organizations that have established mentoring programs. MMP reports that 32,000 young people were served by mentors in fiscal 2004.

State Fiscal Effect: General fund expenditures in DPSCS could increase by \$94,500 in fiscal 2007, accounting for the bill's October 1, 2006 effective date, to cover the fee for criminal history records checks that would not be paid. DPSCS advises that 5,660 records checks of eligible volunteers were processed in fiscal 2005. In fiscal 2004, the number of eligible volunteers was 8,603. For purposes of this estimate, it is assumed that 7,000 volunteers would meet the criteria for waiver in fiscal 2007 and the pool of eligible volunteers would increase by 5% in future years. The volunteers would be exempt from paying \$18 of the \$46 required for a State and national criminal history records check. However, the volunteers covered by this bill would still be required to pay an \$18 fee to the FBI for the national criminal history records check and pay \$10 for required State and national fingerprint cards. DPSCS advises that it currently does not charge administrative fees to process criminal history records checks.

This bill would have no fiscal impact on the Department of Human Resources, as the department is not required to pay any of the fees for records checks. The department advises, however, that it has a policy of reimbursing volunteers who work in their facilities for the cost of required State criminal history records checks.

Additional Information

Prior Introductions: This bill is similar to SB 877 of 2005. SB 877 was heard by the Judicial Proceedings Committee, but received no further action.

Cross File: None.

Information Source(s): Department of Human Resources, Department of State Police, Department of Public Safety and Correctional Services, The Maryland Mentoring Partnership, Department of Legislative Services

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mll/jr

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