

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1521 (Chair, Environmental Matters Committee)(By Request -
 Departmental - Transportation)

Environmental Matters

Judicial Proceedings

**Department of Transportation - Prospective and Current Employees - Criminal
 History Records Checks**

This departmental bill authorizes the Secretary of Transportation to request, for a specified prospective or current employee of the Maryland Department of Transportation (MDOT), a State and national criminal history record information (CHRI) check from the Criminal Justice Information System (CJIS) Central Repository of the Department of Public Safety and Correctional Services (DPSCS). When applying for a CHRI check, the Secretary of Transportation must submit specified fees and two complete sets of fingerprints taken on specified forms to the CJIS Central Repository. The CJIS Central Repository must forward the CHRI results to MDOT and the prospective or current employee. CHRI checks are confidential, may not be redisseminated, and may be used only for specified employment purposes. Subjects of a CHRI check may contest the results. The Secretary of Transportation is authorized to adopt implementing regulations, guidelines, and policies.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$22,000 in FY 2010 for CHRI checks. Future year estimates reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	22,000	29,700	30,000	30,300	30,600
Net Effect	(\$22,000)	(\$29,700)	(\$30,000)	(\$30,300)	(\$30,600)

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

Local Effect: None.

Small Business Effect: MDOT has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law/Background: Under current MDOT policy, background investigations conducted on prospective employees check the candidate's date of birth, Social Security number, and criminal convictions. However, using the current process, MDOT is not able to obtain information on individuals who reside outside the State of Maryland. In fiscal 2008, 3.7% of MDOT employees resided outside the State. Access to national records would provide MDOT with more complete information upon which to base employment decisions and enhance internal security measures that are currently in place. Also, Maryland would become consistent with the Virginia, Pennsylvania, Delaware, and District of Columbia departments of transportation, which all have the authority to request state and national CHRI checks.

The CJIS Central Repository collects, manages, and disseminates Maryland CHRI for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification. Government agencies request over 200,000 criminal history background checks per year for employment purposes. Private employers meeting certain criteria may petition for and receive background checks on prospective employees.

The CJIS Central Repository is authorized by law to collect a fee for providing CHRI for purposes other than criminal justice; the fee is currently set at \$18.00. The CJIS Customer Service Center charges a \$20 flat fingerprinting fee. The U.S. Federal Bureau of Investigation (FBI) charges a fee of \$19.25 for a national CHRI check. The CJIS Central Repository collects the fee from the applicant and reimburses the FBI.

The Governor's proposed fiscal 2010 budget for MDOT includes \$8,000 for CHRI checks.

State Fiscal Effect: For every State and national CHRI conducted, MDOT must pay \$57.25 to the CJIS Central Repository. MDOT plans to request and pay for approximately 490 State and national CHRI checks annually. MDOT does not intend to pass on the cost to prospective applicants or current employees subject to the background checks.

TTF expenditures increase by \$22,047 in fiscal 2010, which accounts for the bill's October 1, 2009 effective date. This estimate reflects estimated CHRI checks and associated postage costs. Future year expenditures reflect annualization and 1% inflation.

DPSCS advises that the fingerprinting and criminal history checks required under the bill are services that are already being provided for numerous other purposes; the increased workload can be handled with existing resources. The cost of these services is passed on to the applicant, resulting in no fiscal impact.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 18, 2009
ncs/ljm Revised - House Third Reader - April 6, 2009

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Transportation – Prospective and Current Employees –
Criminal History Records Checks

BILL NUMBER: HB 1521

PREPARED BY: Maryland Department of Transportation

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.