

House BILL NO. 432

INTRODUCED BY Kottel

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION RELATING TO AN APPLICANT FOR EMPLOYMENT OR APPOINTMENT TO A VOLUNTEER POSITION AT A LONG-TERM CARE FACILITY TO THE CHIEF ADMINISTRATOR OF THE FACILITY IF THE ADMINISTRATOR PROVIDES THE APPLICANT'S FINGERPRINTS TO THE DEPARTMENT OF JUSTICE OR OTHER CRIMINAL JUSTICE AGENCY; AND AMENDING SECTION 44-5-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 44-5-302, MCA, is amended to read:

"44-5-302. Dissemination of criminal history record information that is not public criminal justice information. (1) Criminal history record information may not be disseminated to agencies other than criminal justice agencies unless:

(a) the information is disseminated with the consent or at the request of the individual about whom it relates according to procedures specified in 44-5-214 and 44-5-215;

(b) a district court considers dissemination necessary;

(c) the information is disseminated in compliance with 44-5-304; or

(d) the agency receiving the information is authorized by law to receive it.

(2) The department of justice and other criminal justice agencies may accept fingerprints of applicants for:

(a) admission to the state bar of Montana and shall, with respect to a bar admission applicant whose fingerprints are given to the department or agency by the state bar, exchange available local, state, multistate, ~~local~~, federal (to the extent allowed by federal law), and other criminal history record information with the state bar for licensing purposes; or

(b) employment or for appointment as a volunteer at a long-term care facility, as defined in 50-5-101, and shall, with respect to the applicant or appointee whose fingerprints are given to the department or agency by the chief administrative officer, exchange available local, state, multistate, federal (to the extent allowed by federal law), and other criminal history record information with the chief

1 administrative officer of a long-term care facility for employment or appointment purposes."

2 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0432, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the dissemination of criminal history record information relating to an applicant for employment or appointment to a volunteer position at a long-term care facility to the chief administrator of the facility if the administrator provides the applicant's fingerprints to the Department of Justice or other criminal justice agency.

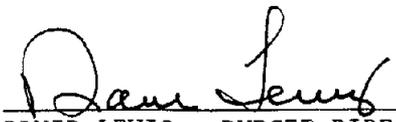
ASSUMPTIONS:

1. HB 432 requires the Department of Justice to run an estimated 30,000 in-state record checks in fiscal 1998. In fiscal 1999, it is estimated that there would be 15,000 record checks. These numbers are based on 300 centers (DPHHS) in Montana with an average of 100 employees (300 x 100 = 30,000). In fiscal 1999, it is estimated that 50 employees or volunteers for each of the 300 centers would need to be checked (50 x 300). These assumptions are based on contacts with local health care centers. One Helena center had 97 employees and a 129% turnover for a change of 226 employees in a year plus the volunteers. Another agency had 80 employees and volunteers. Both local centers were considered to be medium-sized centers.
2. The revenue generated would be deposited in the general fund. The Identification Bureau's fingerprint-based record check fee is \$8 a record. Revenues are projected to be \$240,000 in fiscal 1998 (30,000 x \$8) and \$120,000 (15,000 x \$8) in fiscal 1999.
3. To handle the increased record checks, the department would need 2.00 FTE (a grade 8 and a grade 10) in fiscal 1998 for a cost of \$44,089. In fiscal 1999, only the grade 10 would be needed for a cost of \$23,596. Record checks cost \$3 each to run through the automated fingerprint information system (AFIS). To process the 30,000 checks in fiscal 1998 would cost \$90,000 and \$45,000 in fiscal 1999 to process the 15,000 checks. Additional operating costs of \$13,200 in fiscal 1998 and \$8,940 in fiscal 1999 are needed for computer network charges, supplies, communications, travel, rent, and miscellaneous. Finally, equipment charges of \$9,800 are needed in fiscal 1998 for a computer, office equipment such as a chair and file cabinets, printer and fax machine.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
FTE	2.00	1.00
Personal Services	44,089	23,596
Operating Expenses	103,200	53,940
Equipment	<u>9,800</u>	<u>0</u>
Total	157,089	77,536
 <u>Funding:</u>		
General Fund (01)	157,089	77,536
 <u>Revenues:</u>		
General Fund (01)	240,000	120,000
 <u>Net Impact on Fund Balance:</u> (Revenue minus expense)		
General Fund (01)	82,911	42,464

(Continued)

 2-10-97
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 DEB KOTTEL, PRIMARY SPONSOR DATE

Fiscal Note for HB0432, as introduced

HB 432

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The Department of Justice would need long term funding to provide continued records checks at fiscal 1999 estimates.

TECHNICAL NOTES:

The bill appears to allow discretion conducting criminal record checks. If not mandatory, the FBI will not allow a fingerprint card check through their system making multi-state and federal records impossible to get.

Records checks cannot be returned to a non-state agency. Thus individual centers could not receive a detailed criminal history response. As presented, the FBI would return fingerprint check requests to the Identification Bureau, Department of Justice. The department would have to notify each requester that a criminal record exists in another state(s). This process is not currently conducted by the ID Bureau and would create additional duties and responsibilities.