



OFFICE OF LEGISLATIVE AUDITOR
Fiscal Note

Fiscal Note On: SB 150 SLS 13RS 433
Bill Text Version: ENGROSSED
Opp. Chamb. Action:
Proposed Amd.:
Sub. Bill For.: REVISED

Date: May 7, 2013 12:01 PM Author: ADLEY
Dept./Agy.: Office of State Police Analyst: Jessica Savoy
Subject: Authorized Agency Applications

HEALTH SERVICES EG SEE FISC NOTE SD RV Page 1 of 2

Provides for authorized agents for purposes of criminal history checks on nonlicensed persons and licensed ambulance personnel. (8/1/13)

Purpose of Bill: To allow employees of background screening businesses to seek approval as an authorized agency to perform background checks. Currently, an individual must be a Louisiana licensed private investigator or detective. The bill would change that requirement to include employees of a background screening business as an alternative to being a Louisiana licensed private investigator or detective (these additional applicants would have to be domiciled in Louisiana). This measure also changes the type of background check from a name-based criminal history check to a fingerprint-based criminal background check for nonlicensed persons and licensed ambulance personnel.

Table with 7 columns: EXPENDITURES, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

Table with 7 columns: REVENUES, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 5 -YEAR TOTAL. Rows include State Gen. Fd., Agy. Self-Gen., Ded./Other, Federal Funds, Local Funds, and Annual Total.

EXPENDITURE EXPLANATION

Statutorily Dedicated Expenditures of the Criminal Identification and Information Fund may increase as a result of this measure.

According to information received from the Department of Public Safety (DPS), this bill could increase the number of authorized agent applications received because it would allow background screening businesses, that were previously excluded, to submit an application to be an authorized agent. However, DPS does not estimate a large number of applications will be received due to the Louisiana domicile requirements in the bill. Therefore, there may only be minimal related costs.

Also, according to DPS, the change in the type of background check from a criminal history name-based check to a fingerprint-based criminal background check would require additional processing for the Bureau of Criminal Identification and Information. Name-based background checks do not require processing by the Bureau. However, fingerprint-based criminal background checks must be submitted to the Bureau and processed because it is the repository for all fingerprints. DPS informed us that the Bureau compares the prints to those in its database and files the results accordingly. In the last 12 months, DPS estimates that authorized agents conducted approximately 100,000 name-based background checks. DPS estimates that these will become fingerprint-based background checks under the proposed bill.

According to DPS, the existing personnel would not be able to handle the additional workload; therefore, two additional Criminal Records Analyst 3 positions would be needed to ensure that applications are processed timely and additional fingerprint-based background checks are processed. The Department has estimated annual expenditures ranging from \$112,000 per year to \$118,000 per year related to the additional workload and additional hires.

However, our analysis indicates that the workload could be decreased and processing time could be increased depending on the number of electronic applications filed with the Bureau. If the majority of applications filed are done electronically, it could be possible that only one Analyst 3 is necessary and expenditures may be reduced by approximately one half.

REVENUE EXPLANATION

Assuming R.S. 40:1300.52 (B)(2) currently mandates a \$26 fee to be paid to DPS for searching criminal history records, there will be no direct fiscal impact to the Statutorily Dedicated Revenues of the Criminal Identification and Information Fund as a result of the bill.

See page 2 for revenue discussion.

- Senate Dual Referral Rules House
13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} 6.8(F) >= \$500,000 Annual Fiscal Cost {S}
13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Joy Irwin
Director of Advisory Services



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CONTINUED EXPLANATION from page one:
Continued Revenue Explanation:

Additional Information: DPS informed us that they do not currently collect this fee. Therefore, they are estimating an inflow of \$2,600,000 annually as a result of this measure's requirements for fingerprint-based background checks. According to DPS, the Office of State Police would collect \$2,600,000 for the Statutory Dedicated Criminal Identification and Information Fund if 100,000 fingerprint-based background checks are processed annually for \$26 per check.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | <input type="checkbox"/> 6.8(F) >= \$500,000 Annual Fiscal Cost {S} | |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} | |

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