

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB1582

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Howell, A.T.

3. Committee: Militia, Police and Public Safety

4. Title: **Home access businesses; owner/operator thereof to conduct criminal background check of employees.**

5. Summary: Requires the owner or operator of a commercial establishment that provides a service that requires the establishment's employees regularly to enter the interior area of the residence of its customers to conduct a criminal background check of employees whose regular duties can reasonably be expected to require entering the interior area of the residences of establishment's customers. Effective September 1, 2009, employers are required to complete a criminal records check on prospective employees, but an employer is not prohibited from hiring an employee on the basis of the results of the criminal records check. Employers are required to keep copies of the fingerprints and records check for such employees. Employers shall provide identification badges to employees and require the employees to wear the badge when they are expected to enter customers' homes. Violations constitute a Class 3 misdemeanor with a fine up to \$500.

6. Fiscal Impact Estimates: Indeterminate.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: According to the Department of State Police, insufficient data exists to determine the fiscal impact due to the legislation at this time. Any fines collected from violations of the provisions would be deposited into the state's literary fund.

9. Specific Agency or Political Subdivisions Affected: Department of State Police and local law enforcement agencies statewide.

10. Technical Amendment Necessary: No

11. Other Comments: The Department of State Police states that, as currently written, the legislation would require the department to send the background results to the employer which is in violation of federal law. The typical procedure is for applicants to be screened for barrier crimes with the employer being notified as to whether the applicant passed or failed.

Date: 1/20/2009 dpb/jgc

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Cc: Department of State Police

Secretary of Public Safety