

## Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** SB1407-S1

**House of Origin**     Introduced     Substitute     Engrossed

**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Mason

3. **Committee:** Rehabilitation and Social Services

4. **Title:** Child care providers; fingerprint background checks.

5. **Summary:** Allows local law-enforcement agencies to process and submit requests for national fingerprint background checks required for child day programs operated by a local government, effective July 1, 2020. Additionally, the Department of Social Services is required to implement a process for receiving criminal history background checks processed by local law-enforcement agencies by July 1, 2020.

6. **Budget Amendment Necessary:** No. See Item 8.

7. **Fiscal Impact Estimates:** See Item 8.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	-	-
2020	\$100,000	special
2021	-	-
2022	-	-
2023	-	-
2024	-	-
2025	-	-

8. **Fiscal Implications:** This legislation allows individuals who are employed, volunteering or applying to work or volunteer at a child day program operated by a local government and who need to be fingerprinted and receive background checks to obtain those services through local law enforcement agencies. Local law enforcement agencies will forward fingerprints and personal descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information. This legislation limits the fees charged by local law enforcement for background checks to the actual cost of processing and administration.

Based on the US Bureau of Justice Statistics' 2008 Census of State and Local Law Enforcement Agencies, there are 295 local law enforcement agencies in Virginia that will be affected by this legislation. This number includes: 104 county agencies (sheriff & police

departments), 28 city sheriff's departments, 37 city agencies (police departments), and 126 town agencies (police departments). The volume of fingerprints and personal descriptive information that will be forwarded by local law enforcement agencies is unknown. However, it is assumed that there is an average of two child day programs operated by a local government in each locality, with an average of 10 employees each, for a total of 2,660 people (133 localities x 2 programs x 10 employees).

Currently, the Department of Social Services (DSS) has a Virginia Information Technology Agency (VITA) approved statewide process in place to contract with a fingerprint vendor for the submission and transfer of fingerprints. This process involves applicants being fingerprinted at a vendor facility, then transferring the fingerprint and identifying data to the Virginia State Police (VSP), and transferring identifying information to DSS. The fingerprint vendor collects a total payment and then distributes fees to VSP, the Federal Bureau of Investigation (FBI) and the DSS Office of Background Investigation (OBI).

Because this legislation allows for an origination point other than the current vendor, agreements and manual processes between DSS, VSP, and local law enforcement agencies will need to be set up. Allowing local law enforcement agencies to forward fingerprints and personal descriptive information will increase the amount of time it takes to process criminal history record information, because DSS will need to establish a manual process with VSP and local law enforcement agencies so that fingerprint results will be returned to DSS from VSP, instead of to the local law enforcement agency.

It is likely that DSS will incur systems costs to implement this bill. The Background Investigation System (BIS) will need to be updated to create an interface mechanism to match return data from VSP and transmit information back to local law enforcement agencies for employees and volunteers at child day programs operated by local governments. This would be a one-time system upgrade. Projections for the cost of this upgrade for the original bill were \$150,000. However, because of the reduced scope of affected child day programs, less substantial systems changes are likely to be needed. These costs are estimated at \$100,000 in FY 2020, in order to have the system available by July 1, 2020.

It is presumed that affected agencies will establish background check fees sufficient to allow them to break even on the operating costs resulting from this bill. The Department of Social Services can adjust OBI fees once it has enough data on the number of background check applicants, in order to recover the cost of the program.

The Virginia Department of State Police has indicated that it will not have a fiscal impact as a result of this bill.

**9. Specific Agency or Political Subdivisions Affected:** Department of Social Services, Virginia Department of State Police, local law enforcement

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.