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# HOUSE FISCAL AGENCY

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HB4859 SUBSTITUTE

Sponsor: Rep. Larry Julian

H-1

Committee: CRIMINAL JUSTICE

Analyst(s): Peterson, Marilyn

Completed: 10/17/01

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### State Fiscal Impact

Cost: None  
Revenues: None

### Local Fiscal Impact

Cost: None  
Revenues: None

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The public health code provides for "discharge and dismissal" of pending drug charges against a first-time offender upon successful completion of a term of probation. The discharge and dismissal happens without an adjudication of guilt and does not constitute a criminal conviction, although the state police retain a nonpublic record of the transaction to ensure that the individual does not utilize the process more than once.

The bill would amend the Public Health Code to allow the Department of Corrections or a state or local law enforcement agency to obtain copies of "discharge and dismiss" records in order to screen employment applicants and employees. It would have no direct fiscal implications for the Department of Corrections, although the State Police presumably could incur additional administrative and duplicating costs in providing copies of records to the corrections department and local law enforcement agencies.