



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5254 (Substitute H-3 as reported without amendment)
Sponsor: Representative Hank Vaupel
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would enact the "Public Employee Fingerprint-Based Criminal History Check Act" to do the following:

- Require each agency in the State that determined it would have to do so, to develop a written policy that ensured that its current and prospective employees who could have access to Federal information databases in the course of his or her employment underwent a fingerprint-based criminal history check.
- Require an agency subject to Publication 1075, upon an offer of employment to an individual, to request the Department of State Police (MSP) to conduct a fingerprint-based criminal history check on that individual.
- Require an agency to ensure that an employee who could have access to Federal information databases and who was already employed by the agency to complete a criminal history check.
- Require the MSP to conduct a criminal history check on the individual described above through its records and through the Federal Bureau of Investigation (FBI), within 30 days after receiving a proper request, and to report the results to the requesting agency.
- Prohibit an agency or its employees from disclosing the reports or its contents to any other person not involved in evaluating the individual's qualification to begin or maintain access to Federal information databases, and specify a misdemeanor penalty for a violation.
- Require the MSP to store and retain all fingerprints submitted in an automated fingerprint system.
- Require the MSP to forward all fingerprints submitted to it to the FBI for submission into the FBI's automatic fingerprint identification system.

("Publication 1075" would mean Internal Revenue Service Regulation Publication 1075 of September 2016.)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would result in varying additional costs for certain governmental entities, including some State agencies and local units of government, that would be required to have fingerprint-based criminal history background checks performed on current and prospective employees who could have access to sensitive personal information.

Each fingerprint-based criminal history background check costs approximately \$42 (\$30 State-level for the Department of State Police (MSP) check, and \$12 Federal-level for the Federal Bureau of Investigation (FBI) check). Without any other mandate, these cost would

be passed on by the MSP, which would receive the background check request, to affected State agencies and local units of government.

Accordingly, the bill would have no fiscal impact on the MSP, as the \$42 fee defrays its costs of conducting the fingerprint-based background checks, and the costs of maintaining applicant's fingerprints in the Automated Fingerprint Identification System (AFIS), which is covered by existing appropriations.

The cost of the bill to all governmental agencies would depend upon the number of employee positions required to have fingerprint-based criminal history background checks, which cannot be determined at this time. It is assumed that on the State level, the Department of Treasury and the Department of Health and Human Services (DHHS) would have the most employees affected.

The Department of Treasury estimates that it has approximately 950 employee positions and 300 contract employee positions that would be subject to the bill's provisions, which would cost of \$52,500, based on the \$42 fee. The Department has indicated it will assume these costs under existing appropriations. The DHHS anticipates between 6,000 and 8,000 employees would need to be fingerprinted, which would cost between \$252,000 and \$336,000. At this time, the DHHS is continuing to assess which employees would be subject to the bill for a more precise estimate.

The bill would have an indeterminate fiscal impact on the judiciary and local court systems. The fiscal impact would depend on how the provisions of the bill affected court caseloads and related administrative costs. Any associated increase in penal fine revenue would increase funding to public libraries.

Date Completed: 9-10-18

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