

Fiscal Note Request SB0328, As Introduced

(continued)

the surveyors review. This is estimated to take approximately one hour per facility for a total of 30 hours of staff time.

7. The cost of an FBI fingerprint check is \$32. The drop-in facility of the individual applicant is responsible for paying this cost.
8. The cost of this bill for DPHHS is minimal and would be absorbed by the department.

Department of Justice

9. Licensing staff from the Department of Public Health and Human Services estimate there are approximately 30 drop-in day care centers operating in the State of Montana, with approximately 5 employees per site. Employee turnover in these centers is estimated at 100 percent per year. This fiscal note assumes that if passed the DOJ would process an additional 150 civil fingerprint-based background checks per year.
10. Public Law 92-544 prohibits the FBI from disseminating criminal history record information directly to a non-governmental entity, consequently, the Department of Public Health and Human Services would serve as the channeling and screening agency for criminal background checks performed under this statute.
11. The Department of Justice charges \$8.00 for a state fingerprint-based check and the FBI charges \$24.00 for a fingerprint-based check for a total processing cost of \$32.00 each. (\$8 x 150 = \$1,200 to the Department of Justice-annually, the balance collected will be passed on to the FBI \$24 x 150 = \$3,600 annually)
12. The average processing time at the Department of Justice for a fingerprint-based background request is approximately 15 minutes. Additional processing time estimated for this bill is 37.5 hours per year.

FISCAL IMPACT:

Department of Justice Program 29 – Info Technology Services Div

Expenditures:

	<u>FY 2004</u>	<u>FY 2005</u>
Operating Expenses	<u>\$4,800</u>	<u>\$4,800</u>

Funding of Expenditures:

General Fund (01)	<u>\$4,800</u>	<u>\$4,800</u>
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Revenues:

General Fund (02)	<u>\$4,800</u>	<u>\$4,800</u>
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Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

General Fund (02)	<u>\$0</u>	<u>\$0</u>
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TECHNICAL NOTES:

1. FBI fingerprint information cannot be disseminated as it is considered confidential information. DPHHS would become the point of contact to request fingerprint screening, but due to the federal limitations the department would be unable to disseminate the results of the screen to the facility, or even to the person for whom the background check was performed. The department would simply deny an applicant as not meeting the criteria necessary for a drop-in facility caregiver approval. The facility or applicant could not be informed of the specific finding, which contributed to the disqualification.
2. Drop-in daycare facilities are not required by statute to be licensed or registered unless "...the person chooses to apply for licensure" 52-2-703(3)(d) MCA. With the permissive licensure language in statute, there is no statutory requirement for drop-in facilities to be licensed. As such, the facility could continue to operate even if the department revoked or suspended a license. Unless there are specific enforcement

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criteria established for non-licensed drop-in centers, it would be difficult to take appropriate action in the event one of these facilities employed a person with a disqualified criminal or CPS background. The department has no ability to enforce compliance with the drop-in daycare employee background checks.

3. Considering the high turnover of staff in daycare in general, it is not clear at what frequency the department would check for facility FBI and DOJ fingerprint and CPS background check compliance in drop-in centers not willing to seek a license. 52-2-704(3)(d) MCA.