



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 2407

PRINTERS NO. 3670

PRIME SPONSOR: Hackett

### COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	\$0

**SUMMARY:** Amends the Older Adult Protective Services Act allowing the Department of Aging to prescribe the manner that fingerprints are submitted for background checks. Effective date is immediate.

**ANALYSIS:** Current law requires that a State Police background check be submitted along with the application for employment at a long term care facility if the applicant has been a PA resident for 2 years or more; while a federal criminal history background check is required for an applicant who has been a PA resident for less than 2 years. The applicant submits a full set of fingerprints to the State Police which forwards the prints to the FBI for a national criminal history record check. This legislation would now require the applicant to submit the full set of fingerprints in a manner prescribed by the Department of Aging and would require the Commonwealth to submit the fingerprints to the FBI.

The legislation provides that section 9121 (b)(2) of Title 18 (Crimes Code) would not apply if the request for a Federal criminal history record check is made pursuant to this section. Section 9121(b)(2) provides that, before a State or local police department disseminates criminal history record information to an individual or noncriminal justice agency, it shall extract from the record all notations of arrests, indictments or other information relating to the initiation of criminal proceedings where 3 years have elapsed from the date of the arrest; no conviction has occurred; and no proceedings are pending seeking a conviction. Therefore, the extractions would not apply and the notations would be included.

The legislation eliminates the fee provision which allows the State Police to charge the applicant a fee of no more than \$10 or the established FBI charge to conduct the criminal history record check; develop a billing system for facilities/ administrators assuming responsibility for the fee and allowing an account to be established for quarterly payments.

**FISCAL IMPACT:** Enactment of this legislation would have no adverse fiscal impact on Commonwealth funds. The legislation would provide for implementation of the fingerprinting process that allows for the electronic transmission of applicants' fingerprints to the FBI and the electronic transmission of the applicant's criminal history record from the FBI to the Department of Aging rather than a manual/ paperwork "hard copy" process and, for those records without a criminal history, a 'clear' letter will automatically be generated and sent directly to the applicant. The legislation also provides an exemption from Section 9121(b)(2) allowing the FBI information to be sent directly to Aging rather than continuing to require the State Police to redact information as required under that section. Eliminating the fee provision would not impact the State Police ability to assess a fee; Section 195.3 of 37 PA Code establishes a uniform schedule of fees and requires all individuals and non criminal justice agencies requesting criminal history record information to pay a nonrefundable fee not to exceed \$10 for each request made. Aging is part of the multi-agency contract with Cogent which is responsible for operating the digital fingerprinting system and forwarding the applicants fingerprints to the FBI and the results back to the department.

**PREPARED BY:** Kathy Vranicar  
House Appropriations Committee (R)

**DATE:** June 13, 2012

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*