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FISCAL IMPACT REPORT

ORIGINAL DATE 1/20/06
 SPONSOR Swisstack LAST UPDATED 1/23/06 HB 66
 SHORT TITLE Criminal Background Check Fees and Fund SB _____
 ANALYST Peery

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY06	FY07	FY08		
\$965.6	\$1,560.0	\$1,716.0	Recurring	Criminal History Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Department of Public Safety (DPS)
 New Mexico Sentencing Commission (NMSC)

No Responses From
 State Treasurer Office (STO)
 Association of Counties (AC)

SUMMARY

Synopsis of Bill

House Bill 66 authorizes the Department of Public Safety to charge an administrative fee of up to \$53.00 for processing fingerprint supported arrest records and for criminal history background checks. It also creates a “criminal history fund” in the State Treasury to be administered by the Department of Public Safety and money appropriated to the fund to the agency for administration of the Arrest Record Information Act.

This bill contains an emergency clause.

FISCAL IMPLICATIONS

DPS states the proposed legislation will provide approximately \$1,560,000 to the Law Enforce-

ment Records Bureau to fund operations and personnel. DPS reports that as backlog is eliminated and processed developed to remain current for day-to-day operations, additional funds as collected will be used to upgrade and install equipment and records management technology as well as to maintain and improve the Criminal Justice Information System. DPS estimates the proposed legislation will save the State's General Fund approximately \$696,000, in E406. Other impact on the general fund is indeterminate but is expected to be greater in subsequent year.

Continuing Appropriations

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

SIGNIFICANT ISSUES

DPS reports the Law Enforcement Records Bureau is facing an estimated 10,470 unfunded labor hours, per year for the current workload and 59,000 unfunded labor hours for existing backlogs. DPS states the risks involved in failing to have adequate funding to maintain accurate and timely records are public safety concerns as well as federal sanctions and/or oversight.

PERFORMANCE IMPLICATIONS

DPS reports the proposed legislation will allow the Law Enforcement Records Bureau to operate 24 hours a day and seven days a week as required by the Federal Bureau of Investigation and National Crime Information Center regulations. Other performance measure implications are backlogs can be reduced and eliminated, and timely and accurate information reporting will be available to auditors for the law enforcement agencies for the Uniform Crime Reporting, Sex Offender Registration, Interstate Identification Index, National Crime Information Center and Missing Person's Clearing House programs.

ADMINISTRATIVE IMPLICATIONS

DPS reports the State Treasurer's Office will be responsible for investing income into the fund and disbursing via warrant all vouchers submitted by the Secretary of DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

A duplicate to this proposed legislation is Senate Bill 106.

OTHER SUBSTANTIVE ISSUES

NMSC reports that DPS has taken on additional responsibilities without receiving funding to perform those duties. DPS reports the Law Enforcement Records Bureau has not increased FTE since 1987. In that period of time they have received 10 unfunded mandates for the provision of services. They are NM Missing Person's Information Clearinghouse, Sex Offender Registration, Interstate Identification Index, National Instant Criminal Background Checks, National Crime Information Center (NCIC) Control Terminal Agency, NCIC Interstate Identification Index and Quality Assurance, Uniform Crime Reporting, State Tracking Number, National Incident Based Reporting System, and Conceal and Carry Weapons background checks.

RLP/mt:nt