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FISCAL IMPACT REPORT

ORIGINAL DATE 02/13/07
 LAST UPDATED 03/15/07 **HB** _____

SPONSOR Beffort

SHORT TITLE Juvenile Justice Facility Background Checks **SB** 471/aHCPAC

ANALYST Hanika Ortiz/Baca

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	\$1.4	\$1.8	\$2.0	\$5.2	Recurring	General fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth & Families Department (CYFD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of HCPAC Amendment

Senate Consumer and Public Affairs Committee amendments stipulate that fingerprint and background checks will be required of anyone in a facility who has direct unsupervised contact with residents and that a volunteer will be responsible for the cost of the background {check}.

In the amendment, the word “check” is not included after “background,” the last term in the amendment. Presumably, the intent is that the volunteer will pay for the cost of a background check.

Synopsis of Original Bill

Senate Bill 471 amends Sections 9-2A-1 and 9-2A-8.1 NMSA 1978 and adds language that requires DPS to conduct background investigations including fingerprints for volunteers in juvenile justice facilities. The volunteer background investigations will be treated identically to employee or prospective employee background investigations. The bill also sets criteria for when the fingerprinting will be appropriate such as unsupervised contact with residents and identifying certain roles.

FISCAL IMPLICATIONS

Estimated cost per check on each volunteer is \$34.00 per background check. Based on an average of 200 hundred volunteers across all facilities, the estimated total cost would be \$7.0.

As of this date, 19 background investigations that included fingerprinting have been conducted for volunteers in juvenile justice facilities. If the number of volunteers at juvenile justice facilities remains constant, CYFD will conduct approximately 40 background investigations including fingerprinting this fiscal year. A conservative 10 % increase per year may result in 44 volunteer checks in FY08, 49 volunteer checks in FY09.

SIGNIFICANT ISSUES

The DPS serves as the State Central Repository for Criminal History and as the liaison to the FBI for the purpose of conducting Nationwide Background Checks. The FBI's authority to conduct the background is pursuant to PL 92-544, which requires that a state have an authorized state statute in place before they can conduct the background check.

The bill could positively impact CYFD by statutorily codifying our current practice of conducting background investigations on volunteers including fingerprints to DPS and the FBI; not just allowing but requiring it, supporting our efforts to create a safer environment for our kids.

ADMINISTRATIVE IMPLICATIONS

Depending on the anticipated volumes, the DPS Law Enforcement Records Bureau workload may be impacted.

OTHER SUBSTANTIVE ISSUES

The bill could impact the process utilized to develop and enforce agreements with volunteer groups or agencies. Any agreements or contracts should require volunteer groups and agencies, as well as contract agencies to obtain appropriate background checks. They should also contain a mechanism to account for new staff or volunteers that ensure their background check status is reported to JJS whenever new staff or volunteers serve JJS facility clients in an unsupervised setting.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this Bill is not passed, persons may be approved to work in sensitive areas that would not have otherwise been approved.

AHO/nt