

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Am. Sub. H.B. 104** DATE: **December 12, 2007**

STATUS: **As Passed by the Senate** SPONSOR: **Rep. Core**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Requires initial license applicants and applicants for restoration of licenses for specified licensed professions to obtain a criminal background check from the Bureau of Criminal Identification and Investigation, requires the appropriate licensing board to consider the results of those checks in determining a person's eligibility for licensure, and permits the Treasurer of State to request the Bureau of Criminal Identification and Investigation to conduct a criminal records check of any individual seeking or holding employment with the Treasurer of State**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
General Reimbursement Fund (Fund 106) – Attorney General			
Revenues	Offsetting gain from background check fees	Offsetting gain from background check fees	Offsetting gain from background check fees
Expenditures	Increase corresponding to the number of license applicants	Increase corresponding to the number of license applicants	Increase corresponding to the number of license applicants

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- The Attorney General's Bureau of Criminal Identification and Investigation (BCII) will likely experience annual gains in fee revenue for performing additional criminal records checks on persons applying for a license from 1 of 16 specified licensing agencies and from prospective or current employees of the Treasurer of State. Any gain in revenue by BCII would likely be offset by an increase in expenditures related to performing these criminal records checks.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.



Detailed Fiscal Analysis

Overview

This bill requires a criminal records check of an applicant for an initial license or restored license from 16 licensing and regulatory boards. The specified licensing agencies may not grant an application for an initial license unless the applicant requests a criminal records check as required by the bill and the agency decides that the results of the check do not make the applicant ineligible for a license. The bill also permits the Treasurer of State (TOS) to require a prospective or current employee to undergo a criminal records check.

Applicants for a license in the specified occupations or TOS (in the case of TOS job applicants or employees) must submit a request to the Attorney General's Bureau of Criminal Identification and Investigation (BCII) for a criminal records check. The appropriate form, fingerprint impressions, and the fee required by BCII for the criminal records check must accompany the request. Effective January 1, 2008, BCII will charge \$22 to perform a state criminal records check and charges an additional \$24 to obtain information from the FBI to perform a federal criminal records check. Thus, a request to perform a criminal records check on a person could cost either \$22 for a state criminal records check or \$46 for both a state and federal criminal records check.

An occupational licensing applicant must provide BCII with the applicant's name and address, the licensing agency's name and address, and request that BCII obtain from the FBI any information it has pertaining to the applicant. Once BCII receives the applicant's required information, it must then conduct the records check to determine if there is any information indicating that the applicant has been convicted of or plead guilty to any criminal offense in Ohio or any other state. BCII must make the results available to the licensing agency for use in determining whether the applicant should be granted a license and the licensing agency must make the results available to the applicant or the applicant's representative. The bill requires each specified licensing agency to adopt rules establishing administrative and procedural requirements for the criminal records checks, which would pose little to no additional cost to the boards.

Similarly, the bill gives TOS the authority to deny or terminate the employment of an individual in certain circumstances, such as failure to provide a completed form and fingerprint impressions or conviction on any offense involving or relating to fraud, deceit, or theft. TOS, when determining to take any employment action such as termination in regard to the results of the records check, must afford current employees a due review process in which various factors like the employee's age at the time of the offense, the nature and seriousness of the offense, and so forth, are considered.

State fiscal effects

The Attorney General's Bureau of Criminal Identification and Investigation (BCII) will likely experience annual gains in fee revenue to the General Reimbursement Fund (Fund 106) for performing

additional criminal records checks on persons applying for a license from any of the 16 specified licensing agencies and from TOS job applicants or employees. Any gain in revenue by the BCII would likely be offset by an increase in expenditures related to performing these criminal records checks. Occupational licensing applicants and TOS job applicants or employees will be responsible for paying the appropriate fees for the criminal background check. Consequently, the specified licensing agencies and TOS would not bear any cost for the criminal background checks.

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