

STATEMENT OF PURPOSE

RS25723

This legislation reduces costs associated with criminal background checks and increases public safety. Current law requires those appointed to, or licensed for, particularly sensitive positions to undergo fingerprint based criminal background checks conducted by the Idaho State Police ("ISP") and the FBI. These positions include certain child care workers, teachers, foster parents, guardians conservators, lenders, and licensees such as prescription drug distributors, lawyers, private security officers, and those holding liquor licenses. Once a pre-hiring or pre-licensing background check is completed, the fingerprints are destroyed, and future criminal activity remains unknown, unless the appointee or licensee is re-fingerprinted for an additional background check. Re-fingerprinting and additional background checks come with extra cost, sometimes for those being checked, but always for the appointing or licensing authority.

This legislation would allow such authorities to opt to receive ongoing updates of future criminal charges or convictions received by their appointees and licensees, thereby increasing public safety and avoiding re-checking costs. This legislation also provides protection to appointees and licensees by granting them rights such as : (i) all criminal history updates shall be kept confidential, (ii) they shall receive notification of any criminal history updates, (iii) they shall have an opportunity to respond to such updates, (iv) their fingerprints shall be removed from the system and destroyed, free of charge, when they no longer hold a position or license subject to background checks, or the appointing authority opts out of the updating system, and (v) they shall be notified of all rights granted by this legislation.

FISCAL NOTE

ISP already has the infrastructure necessary for the updating program, and appointing/licensing authorities will save money to the extent that they currently pay to conduct periodic criminal background checks on current appointees. There is therefore, no projected increase in existing or future appropriations by the state or local units of government, nor any increased costs to private sector employers or their employees. Public agencies at the state and local level, and private sector employers, which currently conduct repeat background checks on appointees will avoid costs for repeat checks if they opt into the update system.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).