



**Colorado
Legislative
Council
Staff**

SB17-189

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0933
Prime Sponsor(s): Sen. Cooke
Rep. Foote

Date: February 23, 2017
Bill Status: Senate Judiciary
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: CONSUMER OPTIONS IN FINGERPRINT BACKGROUND CHECKS

| Fiscal Impact Summary | FY 2017-2018 | FY 2018-2019 |
|--|----------------------------|--------------|
| State Revenue | | |
| State Expenditures | Minimal workload increase. | |
| Appropriation Required: None. | | |
| Future Year Impacts: Ongoing minimal workload increase. | | |

Summary of Legislation

This bill allows a third party, approved by the Colorado Bureau of Investigation (CBI) in the Department of Public Safety, to process fingerprints for persons in certain professions who are required to obtain fingerprint-based background checks. A third party may use CBI-approved "Livescan" equipment to take and submit fingerprints to the CBI.

Background

Under current law, only law enforcement agencies may take fingerprints. Payment for the fingerprints and for the actual costs of the check is required to be made at the time the fingerprints are submitted to the CBI. Senate Bill 17-189 applies to the following professions and individuals who are currently required to undergo background checks:

- professional cash-bail agents;
- massage therapists;
- pharmacist, pharmacy business, and pharmaceutical wholesalers;
- surgical assistants and surgical technologists;
- private investigators;
- providers of emergency placement of children;
- applicants or employees of nonpublic schools;
- a person applying for employment with or employed by a charter school;
- licensed and nonlicensed employees of a school district;
- teachers;
- emergency medical providers; and
- employees of institutions under the Department of Human Services.

State Expenditures

Beginning in FY 2017-18, the bill increases workload for the CBI to approve and coordinate the transmission of fingerprint data with third party providers. This workload increase is minimal and can be accomplished within existing appropriations. The bill may also increase expenditures for any agency of state government that chooses to purchase Livescan equipment. To the extent that this occurs, the fiscal note assumes that affected agencies will request additional appropriations through the annual budget process.

Local Government Impact

This bill is expected to affect local law enforcement agencies, school districts, and other local governments, as described below.

Law enforcement agencies. To the extent that individuals have fingerprints taken by third parties using Livescan equipment, the bill may reduce revenue and costs for law enforcement agencies that process and submit fingerprints to the CBI for affected professions. These impacts have not been estimated.

School districts and other local governments. To the extent that individual school districts or units of local government choose to purchase Livescan equipment, one-time costs will increase by approximately \$40,000 for equipment, and ongoing costs of about \$2,500 per year will be incurred for high-speed data lines to connect to the CBI. Because the bill is silent on revenue collection, this analysis assumes that entities that choose to process fingerprints are not eligible to charge a fee for fingerprint services. Due to the costs and inability to recover revenue, the fiscal note assumes most school districts and local governments will not choose to become approved third-party finger printers.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

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| Counties | Education |
| Human Services | Information Technology |
| Municipalities | Public Health and Environment |
| Public Safety | Regulatory Agencies |
| School Districts | Sheriffs |