

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 24, 2011

TO: Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB584 by Kleinschmidt (Relating to storage of electronic fingerprint records and access to criminal history record information.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB584, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>State Highway Fund</i> 6	Probable (Cost) from <i>Appropriated Receipts</i> 666	Change in Number of State Employees from FY 2011
2012	(\$199,485)	(\$693,498)	9.0
2013	(\$138,986)	(\$483,176)	9.0
2014	(\$108,865)	(\$378,462)	9.0
2015	(\$111,555)	(\$387,814)	9.0
2016	(\$108,865)	(\$378,462)	9.0

Fiscal Analysis

The bill would amend Section 411.0845 of the Government Code and mandate collection and retention of the electronic fingerprint record for each person who submits fingerprints for an authorized criminal history record request. The bill would also allow a person to authorize the Texas Department of Public Safety (DPS) to forward their state and FBI criminal history record to different authorized entities, without having to submit another set of fingerprints. The recipient must be entitled under the law to receive the record.

The bill would prohibit a state agency from requiring an individual to submit a new set of fingerprints for a criminal history search, if that person has submitted a set of fingerprints to DPS not more than 5 years prior. This section only applies to criminal history inquiries submitted through the DPS

Clearinghouse. The requestor will be required to submit payments for the DPS and FBI record checks prior to DPS forwarding the criminal history to any agency or person who is entitled to receive it.

Methodology

The Texas Department of Public Safety (DPS) currently has approximately 3,300,000 applicant fingerprint records stored in the Automated Fingerprint Identification System. In FY 2010, DPS responded to 825,956 sets of fingerprints submitted for applicant purposes. Based on the number of existing applicants with more than one background check, DPS projects up to 9%, or 74,336, additional applications could be processed under this bill for second applicant purposes to a person entitled, without the submission of a subsequent set of fingerprints.

In order to implement this legislation DPS's Law Enforcement Support (LES) Division would need 8 full time employees (FTEs). One (1) FTE classified as a Clerk III would be needed to process incoming and outgoing mail duties for increased inbound and outbound documents submitted. Five FTEs classified as Administrative Assistants III would be needed to perform duties related to fingerprint request by previous applicants. These requests would bypass the current fingerprint and background check process and instead go directly to DPS instead of the vendor who processes initial requests and electronically forwards results to DPS to provide to the requesting party. A document archive staff to image all documents pertaining to each new search will require two (2) FTEs classified as Micrographics Technicians II – III – IV.

DPS would need 1 Accountant Vs to provide accounting, financial management, payroll, accounts payable, accounts receivable, human capital management and support functions for this effort.

Technology

The Information Technology (IT) Department of DPS anticipates needing contractor hours in FY 12 - FY13, plus \$21,500 for an Image Archive server and two (2) Image archive document scanners and scanner software.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ESi, GG, YD