



# Senate

General Assembly

**File No. 563**

*January Session, 2003*

Substitute Senate Bill No. 946

*Senate, April 28, 2003*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR EMPLOYEES WHO WORK WITH PERSONS WITH MENTAL RETARDATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) The Commissioner of  
2 Mental Retardation shall require each applicant for employment in a  
3 Department of Mental Retardation program that provides direct  
4 services to persons with mental retardation to submit to state and  
5 national criminal history records checks.

6 (b) Private sector service providers under contract with or licensed  
7 by the department to provide residential, day or support services to  
8 persons with mental retardation may require each applicant for  
9 employment who will have direct and ongoing contact with persons  
10 and families receiving such services to submit to state and national  
11 criminal history records checks. If the department requires such  
12 providers to have such applicants submit to such criminal history



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Mental Retardation	GF - Cost	Less than \$140,000	Less than \$185,000
Department of Public Safety	GF - Cost	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill places state and criminal background check requirements on applicants for direct care services employment within the Department of Mental Retardation operated and funded system. Currently, the department performs state criminal history checks for department hires and requires providers to conduct a state criminal history background check on prospective employees. There are approximately 4,500 new hires annually for direct care in both department operated and private provider operated services. To the extent that the department does require such background checks for private sector service providers then an associated cost would be reimbursed to the provider. It is anticipated that DMR will incur an annual cost of \$108,000 as a result of the national criminal history records check (\$24 per check). To the extent that private providers are currently incurring the costs for state criminal record checks (not utilizing DMR’s records check system) then the bill would result in an additional cost to the department for reimbursing state criminal checks at \$25 per check and \$5 per fingerprinting (estimated at less than \$75,000 annually).

Due to layoffs and the increasing number of background checks requested of the Department of Public Safety, the department currently

has a backlog of four months. While passage of the bill is not anticipated to result in the acquisition of staff for this sole purpose, additional checks of the magnitude caused by the bill would contribute to the growing backlog.

**OLR Bill Analysis**

sSB 946

***AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR EMPLOYEES WHO WORK WITH PERSONS WITH MENTAL RETARDATION*****SUMMARY:**

This bill requires the Department of Mental Retardation (DMR) to subject everyone applying for a job in a DMR program that provides direct services to clients to state and national criminal history records checks. It permits private providers who either contract with, or are licensed by, DMR to provide residential, day, or support services to require job applicants who will have direct and ongoing contact with clients and their families to submit to these checks. If DMR requires a private provider to subject prospective employees to criminal history checks, the bill requires it to reimburse the provider for the fees it is charged.

The bill prohibits DMR and any private provider that requires background checks from hiring anyone until the check results are available. The checks must be conducted according to the existing uniform statutory procedure for state and national criminal background checks.

EFFECTIVE DATE: October 1, 2003

**BACKGROUND*****DMR Background Check Policy***

Under current DMR policy, all prospective DMR employees must submit to pre-employment state criminal history records checks. DMR requires all private providers it funds or licenses to conduct state background checks on prospective employees to whom they make conditional offers of employment. These providers can conduct the checks themselves, for example by hiring a private vendor, or they can ask DMR to conduct the checks through its CT SAFEHIRE system.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute Change of Reference

Yea 21 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0