



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
OFFICE OF THE COMMISSIONER

February 28, 2013

Rep. Stephen Dargan, Co-Chairman
Sen. Joan Hartley, Co-Chairman
Public Safety and Security Committee
Legislative Office Building
Hartford, CT 06106

**SB 969 AN ACT CONCERNING FEES CHARGED FOR
CRIMINAL HISTORY RECORDS CHECKS.**

*The Department of Emergency Services and Public Protection
supports this bill.*

This proposed bill would revise the statutory fee procedure to include in the existing fee structure individuals in the private sector that currently do not pay *any* state fees for criminal history background checks performed by the agency's State Police Bureau of Investigation. Under existing law all criminal history background checks coming from other agencies are not subject to any state fees. (Only the federal FBI fee is charged.) While this is appropriate for purposes of background checks on individuals that the agency in question is considering for employment, the fee is also not in place for all of the individuals who are licensed by the agencies but employed in the private sector, such as school bus drivers. The agency's State Police Bureau of Identification has been overwhelmed with the huge numbers of individuals for whom criminal history background checks for non criminal justice purposes are now required by statute.

Under the existing language of the statute, state and municipal agencies are not allowed to charge the state fee of \$50 for criminal history background checks for private sector employees licensed by the requesting agency or section 8 housing applicants. Applicants are required to pay only the \$16.50 FBI criminal history background check fee which is passed on to the federal government. Currently, all state and municipal agencies are requesting criminal history background checks for free for a

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variety of applicants and not paying the \$50.00 state fee. The proposed bill would clarify that the required state fees shall apply to any individual seeking to be licensed or otherwise approved for any occupation or position for which a provision of the general statute requires that a criminal history records check be conducted pursuant to section 29-17a, as amended by this act. The requesting or licensing agency would charge the applicant for the applicable state fee, just as they currently do for the federal fee. The proposed bill would not change the appropriate practice of not charging other state agencies for background checks on individuals seeking employment with the requesting agency.

Municipal housing authorities currently are requesting State and Federal Criminal History Background Checks to pre-screen individuals for Section 8 housing. Although federal law allows the state to charge a fee, the current language of the state statute precludes charging the \$50.00 state fee.

State agencies such as the Department of Motor Vehicles (DMV) do not submit the \$50.00 State Fee for Criminal History Background Checks for applicants for Public Service License (PSL), which are bus drivers, etc. Again, they are licensed by DMV but NOT employed by DMV; they do pay the \$16.50 Federal Fee. The Department of Public Health (DPH) are requesting State and Federal Criminal History Background Checks on Private Day Care Workers, licensed by DPH, and only pay the Federal Fee, they do NOT pay the State \$50.00 fee; DPH will soon be requesting checks on Health Care Workers, again licensed by DPH, but NOT employed by DPH. The Department of Consumer Protection (DCP) submits requests for gaming licenses and casino employees; neither are direct employees of DCP, they are either licensed or regulated by DCP.

- o Estimated Revenue Loss (Gain):
 - Housing Authorities: Approx. 1,800 Requests x \$50.00 = \$ 90,000
 - DMV: Approx. 5,000 Requests x \$50.00 = \$250,000
 - DPH: Approx. 6,000 Requests x \$50.00 = \$300,000
 - DCP: Approx. 2,025 Requests x \$50.00 = \$101,250
 - Total Estimated Loss (Gain): **\$741,250**

Other changes in this proposed bill will delete unnecessary and misleading language from the fee structure for criminal history background checks and provide a reduced fee for copies of fingerprints, but only for those requested at time of initial fingerprinting.

CGS 29-11(c) indicates a \$36 fee for a name search. The agency cannot do just a name search, as we need a date of birth to accompany this name. Currently if a requester pays only the \$36 fee, they only receive a yes or no response. If they want a

complete criminal history background check, they have to pay the additional \$50 fee, making their request totaling a fee of \$86. The statute as it currently reads is misleading, eliminating this \$36 fee and making the fee a flat \$50 for a criminal history record check regardless of who the requester is would eliminate the confusion on the part of the requester.

CGS 29-11(c) indicates a \$15 fee for fingerprinting. However, the statute is silent regarding whether this fee applies on a per person basis or per set of fingerprints basis. This section would provide for an additional \$5 fee for any additional copy of the individuals fingerprints requested at the time of the initial fingerprinting. This will alleviate an individual from requesting multiple sets of fingerprints without being charged and the language indicating that the \$5 fee will apply to any additional copies requested at the time of initial fingerprinting will prevent an individual from returning at a later date requesting a copy of their fingerprints for the lesser \$5 fee.

Sincerely,



Reuben F. Bradford
COMMISSIONER