

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** HB 1024 (1<sup>st</sup> Edition)

**SHORT TITLE:** Criminal History Record Checks

**SPONSOR(S):** Representative G. Wayne Goodwin

<b>FISCAL IMPACT</b>					
	<b>Yes ( )</b>	<b>No (X)</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>	<b><u>FY 2006-07</u></b>	<b><u>FY 2007-08</u></b>
<b>REVENUES:</b>					
<b>EXPENDITURES:</b>					
<b>POSITIONS:</b>					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>	Department of Justice				
<b>EFFECTIVE DATE:</b>	When it becomes law.				

**BILL SUMMARY:** This legislation enacts into law and enters the State in the National Crime Prevention and Privacy Compact. The main stated purpose for the Compact is the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for non-criminal justice purposes. Non-criminal justice purposes include employment suitability, licensing determinations, immigration and naturalization matters, and national security clearances. Under current law, the North Carolina Department of Justice (DOJ) is authorized to provide criminal history records for a number of non-criminal justice purposes, including criminal record checks of school personnel, providers of services to children and the elderly, foster care givers, certain employees of the Department of Health and Human Services and the Department of Juvenile Justice and Delinquency Prevention, prospective adoptive parents, and applicants for licensure as nurses. (Source: Legislative Research Division)

Section 1 reorganizes Department of Justice statutes. Section 2 enters the State in the Compact, outlines the responsibilities of Compact parties, describes authorized record disclosures and record request procedures, and establishes a Compact Council of 15 members appointed by the U.S. Attorney General, including nine state compact officers. Section 3 directs the North Carolina Attorney General to report to the General Assembly on or before March 1, 2004, on the State Compact Officer to be appointed, rules or procedures adopted to implement the Compact, and any changes to the General Statutes needed to conform to the Compact.

**ASSUMPTIONS AND METHODOLOGY:**

The National Crime Prevention and Privacy Compact was signed into federal law in October 1998, and became effective in April 1999 upon ratification by two states. As of April 2003, the following states are members:

Alaska*	Connecticut	Kansas*	New Jersey*
Arizona	Florida*	Maine*	Oklahoma*
Arkansas	Georgia*	Minnesota	South Carolina*
Colorado	Iowa	Montana*	

\*Compact Council members (two-year terms)

**Department of Justice**

The NC Department of Justice has indicated that this legislation would primarily codify current practices. Record requests from the Federal Bureau of Investigation and other states participating in the Compact would continue to fall under the requirements of current state statutes. The DOJ will continue to charge a fee in accordance with applicable law for handling a fingerprint processing request, and it will not charge a fee for handling electronic records requests that do not involve fingerprint processing.

This legislation would require the Department of Justice to designate a state compact officer, who would be eligible to serve on the Compact Council upon appointment by the U.S. Attorney General. The Council would have initial authority for settling disputes related to the Compact.

**SOURCES OF DATA:** NC Department of Justice, Federal Bureau of Investigation web site

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** April 30, 2003



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