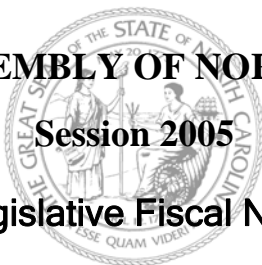


**GENERAL ASSEMBLY OF NORTH CAROLINA**



**Session 2005**

**Legislative Fiscal Note**

**BILL NUMBER:** House Bill 1327 (Fourth Edition)

**SHORT TITLE:** Crim. Record Checks/Psychology Practice Act.

**SPONSOR(S):** Representatives Martin, Harrison, and Wiley

	<b>FISCAL IMPACT</b>				
	<b>Yes (X)</b>	<b>No ( )</b>	<b>No Estimate Available ( )</b>		
	<b><u>FY 2005-06</u></b>	<b><u>FY 2006-07</u></b>	<b><u>FY 2007-08</u></b>	<b><u>FY 2008-09</u></b>	<b><u>FY 2009-10</u></b>
<b>REVENUES:</b>					
<b>Justice</b>	\$7,600	\$7,600	\$7,600	\$7,600	\$7,600
<b>EXPENDITURES:</b>					
<b>Justice</b>	\$7,666	\$7,666	\$7,666	\$7,666	\$7,666
<b>POSITIONS (cumulative):</b>					
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Justice, North Carolina Psychology Board					
<b>EFFECTIVE DATE:</b> When it becomes law.					

**BILL SUMMARY:**

The first edition of this bill enacted new GS 114-19.16 concerning an applicant for licensure or reinstatement of license to practice psychology, or a licensed psychologist or psychological associate. Enacted new GS 90-270.22 to provide that: (1) NC Psychology Board may request that applicant for licensure or reinstatement of license or a licensed psychologist or psychological associate currently under investigation by Board to consent to criminal history check; (2) refusal to consent may constitute grounds for denial of licensure or reinstatement of license or disciplinary action against licensee, including revocation of license; (3) "criminal history" is defined to include conviction of specified crimes; and (4) conviction will not automatically bar licensure or reinstatement of license or result in revocation of license, but Board may consider conviction along with other specified factors.

The second edition made the following changes: Modified proposed GS 90-270.22 to (1) provide that criminal history record check provisions apply to those who have allegedly violated the provisions of the act (was, violated); (2) deleted requirement that the Board ensure that the State and national criminal history of an applicant or licensee is checked; (3) deleted provisions allowing

Board to deny licensure or reinstatement even though criminal history record check reveals one or more convictions; and (4) deleted provisions defining those crimes the conviction for which makes up one's "criminal history."

The third edition amends the provision on limited immunity to make it applicable to those who act reasonably (was, in good faith) and in compliance with the section.

The fourth edition makes the following changes: 1) modifies proposed new GS 114-19.16 to clarify that the Department of Justice may charge *each applicant or licensee* a fee to offset the cost incurred by it to conduct a criminal record check; and 2) modifies proposed new GS 90-270.22 to authorize the North Carolina Psychology Board to collect any fees required from applicants and licensees, and to remit them to the Department of Justice.

*Source: Adapted from Bill Digest H.B. 1327 (04/20/0200)*

**ASSUMPTIONS AND METHODOLOGY:**

**NC Psychology Board.** Based upon the average number of applicants over the past five years, the NC Psychology Board anticipates approximately 200 criminal checks annually with payment for the checks provided by the applicants. According to the Board, the inclusion of a criminal record check in the application process is not expected to increase the time spent in processing an application or requirement for additional personnel. Receipt of this information will be incorporated into the Board's current process. There is an estimated increase in postage of \$120.00 that is considered so insignificant that it will be covered in the Board's existing budget.

**Department of Justice.** The Department charges \$38 for a state and national fingerprint background check. Of the \$38, \$22 is remitted to the Federal Bureau of Investigation for the national check; the remaining \$16 is retained by the Department of Justice and used to fund receipt-supported positions to conduct the background checks. Internal costs per background check range from \$11.45 to \$17.95, with an average cost of \$16.33. The Department currently has the capacity to conduct the projected 200 background checks per year due to this bill.

**SOURCES OF DATA:** Department of Justice, Office of State Budget and Management, NC Psychology Board

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

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**APPROVED BY:** Lynn Muchmore, Director  
Fiscal Research Division

**DATE:** July 17, 2006



**Signed Copy Located in the NCGA Principal Clerk's Offices**