

GENERAL ASSEMBLY OF NORTH CAROLINA



**BILL NUMBER:** Senate Bill 796 (Third Edition)

**SHORT TITLE:** Criminal Record Checks/Archaeological Ops.

**SPONSOR(S):** Senator Thomas

<b>FISCAL IMPACT</b>					
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
<b>REVENUES:</b>					
<b>DOJ</b>					
					* See Assumptions & Methodology *
<b>EXPENDITURES:</b>					
<b>DOJ</b>					
					* See Assumptions & Methodology *
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Justice					
<b>EFFECTIVE DATE:</b> October 1, 2005					

**BILL SUMMARY:** The 2<sup>nd</sup> Edition of Senate Bill 796 would require all persons who apply to the Department of Cultural Resources for a permit to conduct underwater archeological activities and archeological activities on State land to submit to a criminal background check. It would also allow the Department of Justice to conduct those State and National checks upon the request of the Department of Cultural Resources. The 3<sup>rd</sup> Edition adds Section 2 which makes technical changes only to an existing statute, which appeared in the original bill and was inadvertently omitted from the PCS considered in Senate Judiciary II.

**ASSUMPTIONS AND METHODOLOGY:**

The State Bureau of Investigation (SBI) in the Department of Justice conducts background checks for criminal justice and non-criminal justice agencies. For the latter group, the Department charges fees that are used to support the positions required to conduct the checks. The following fees are charged:

NC Fingerprint Check:	\$14
National Fingerprint Check:	\$24 (\$2 to DOJ, \$22 remitted to the FBI)
<b>Total:</b>	<b>\$38</b>

In addition to the \$22 remitted to the Federal Bureau of Investigation for national checks, costs to the SBI per state and national check average \$16.33,<sup>1</sup> not including overhead or equipment.

The Department of Cultural Resources estimates that it issues 10 licenses per year that would require background checks. If each applicant is a single individual, the cost to the SBI would be \$383, and \$380 would be collected in revenue. However, some licenses may be issued to corporations or other entities, rather than individuals. In these cases, one license application would require multiple criminal history checks of the principals, officers, directors, and controlling persons of the entity. Each person in the SBI fingerprint identification section can perform, on average, 10,000 checks per year. Therefore, even with multiple criminal histories per application, this PCS is not anticipated to increase the number of receipt-supported positions required to process background checks.

The background check fees will be paid by the permit applicants.

**SOURCES OF DATA:** Department of Justice, Office of State Budget and Management, Department of Cultural Resources

**TECHNICAL CONSIDERATIONS:** None

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**DATE:** August 1, 2005

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

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<sup>1</sup> In 2003, average cost was \$11.45 per electronic fingerprint check and \$17.95 per paper fingerprint check; proximately 25% of non-criminal justice fingerprint submissions were electronic.