

**STATE
FISCAL IMPACT**

Drafting Number: LLS 14-0617	Date: February 6, 2014
Prime Sponsor(s): Rep. Lawrence Sen. Steadman	Bill Status: House Judiciary
	Fiscal Analyst: Kerry White (303-866-3469)

SHORT TITLE: DPS DOC BACKGROUND CHECK PROCESS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Potential minimal workload increase.	
FTE Position Change		
Appropriation Required: None.		

** This summary shows changes from current law under the bill for each fiscal year.*

Summary of Legislation

This bill clarifies hiring practices by the Department of Corrections (DOC) and the Department of Public Safety (DPS) affecting persons with criminal convictions. Under current law, most state agencies, except the DPS, may not perform a background check until the agency determines that an applicant is a finalist or has made a conditional offer of employment to the applicant. This bill includes DOC in this exception.

The bill also clarifies that, at any stage of the hiring process, if the DOC or DPS determines an applicant has been convicted of a crime, it must consider the factors listed in statute as reasons for disqualification. These factors include the nature of the conviction, its relevancy to the position's duties, any information regarding the applicant's rehabilitation or good conduct, and the amount of time lapsed since the conviction.

Background

Under current law, the fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in itself, prevent a person from applying for and obtaining public employment or from applying for or receiving a license, certification, permit, or registration required by state law. The employment of persons in public or private correctional facilities or the Department of Public Safety are excluded from this requirement.

State Expenditures

Beginning in FY 2014-15, this bill may increase state workload by a minimal amount. Under current law, the DPS and DOC are permitted to exclude persons with serious offenses from consideration for employment. This bill clarifies that for other offenses, such as misdemeanors, the departments are to consider the disqualification factors listed in statute (described above). To

the extent that either department is not already following this practice, workload will increase. Any such increase is anticipated to be minimal and will not require an increase in state appropriations for either department. This bill will not alter the timing of applicant background checks conducted by the DOC or DPS.

Effective Date

The bill takes effect August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections

Personnel

Public Safety