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FISCAL IMPACT STATEMENT

LS 6224

BILL NUMBER: SB 47

NOTE PREPARED: Feb 24, 2006

BILL AMENDED: Feb 23, 2006

SUBJECT: Criminal Checks and Religious Organizations.

FIRST AUTHOR: Sen. Hershman

FIRST SPONSOR: Rep. McClain

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill exempts a council of the Girl Scouts, a council of the Boy Scouts, a court-appointed special advocate program, a guardian ad litem program, a volunteer advocate for seniors program, a church (including a child care ministry), or a religious organization from the fee for conducting a criminal background check on a prospective or current employee, or a prospective or current volunteer.

Effective Date: July 1, 2006.

Explanation of State Expenditures: (Revised) This bill exempts several organizations and programs from the fee for conducting criminal background checks, such as the following.

This bill would add a church or religious society to the list of entities that receive fee exemptions from the Indiana State Police (ISP) for limited criminal history background checks if: (1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code; (2) the request is made as part of a background investigation of an employee or adult volunteer; and (3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society. The number of churches or religious societies meeting the requirements of this bill that would apply for limited criminal history background checks for employees and volunteers is unknown.

The bill also exempts a council of the Girl Scouts of the U.S.A. or a council of the Boy Scouts of America. There are currently 13 Girl Scouts of the U.S.A. councils and 9 Boy Scouts of America councils located in Indiana. Additional councils may exist in bordering states which would have volunteers or employ persons from

the state of Indiana. The number of limited criminal history background checks that would apply for employees and volunteers is unknown.

The bill also exempts a court-appointed special advocate (CASA) or guardian ad litem (GAL) program. Currently, CASA/GAL programs are required to complete a one-time limited criminal history check. Thus, the exemption would apply to future CASA/GAL. The number of persons for which the fee would be waived is unknown. However, it is estimated to be fewer than 250 persons annually.

The bill also exempts a volunteer advocate for seniors program. There is currently one volunteer advocate for seniors program in Indiana. Volunteers and employees are currently required to complete a one-time limited criminal history background check. Thus, the exemption would apply to future volunteers and employees. The number of persons for whom the fee would be waived is unknown. However, it is estimated to be fewer than 50 persons annually. *Note:* Should additional courts create volunteer advocate for senior programs, the number of exemptions falling under this provision of the bill would increase as well.

The state would experience a reduction in revenue under the requirements of this bill. However, any reduction is likely to be small. Ultimately, any reduction is dependent on the number of fee exemptions granted. Money received for fees for limited criminal history background checks is deposited into the state General Fund.

Partial exemptions are currently available for organizations registered with the Indiana Department of Revenue as an Indiana Registered 501 charitable nonprofit group that works with children. To be eligible for a partial exemption, the group must subscribe to AccessIndiana. The number of churches or religious organizations already eligible for partial exemptions is unknown.

Background Information:

Fee Exemptions: Various fee exemptions exist. Exempt entities include nonprofit organizations that have been in existence for at least ten years and that (1) have a primary purpose of providing a one-on-one relationship between a child and an adult volunteer and the request is made as part of a background investigation of the prospective adult volunteer for the organization, (2) is a licensed home health agency; (3) is a community mental retardation or other developmental disabilities center, (4) is a licensed supervised group living facility; (5) is an area agency on aging; (6) is a community action agency; (7) is an owner or operator of a hospice program; or (8) is a community mental health center. Other exempt agencies include the Department of Child Services, county Offices of Family and Children, school corporations, special education cooperatives, nonpublic schools, state agencies, and the Indiana Professional Licensing Agency.

Fees: The non-AccessIndiana subscriber fee is approximately \$16 per limited criminal history check. AccessIndiana subscribers are charged \$15 per search, and government agencies and partially exempt entities are charged \$7. There is a \$50 annual AccessIndiana subscriber fee. A limited criminal history check is also available through the mail for \$7.

The Indiana State Police reports the estimated annual average collection for limited criminal history background checks as \$1.2 M.

In CY 2004, ISP completed 432,241 limited criminal history background checks.

Explanation of State Revenues: See *Explanation of State Expenditures*.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police.

Local Agencies Affected:

Information Sources: Steve Hillman, Indiana State Police, 232-5899; *Indiana State Police 2004 Annual Report*; Becky Pryor, Creative Approaches.

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