

HB 4122 B BUDGET REPORT and MEASURE SUMMARY

Carrier: Rep. Evans

Joint Committee On Ways and Means

Action Date: 03/04/24

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

House Vote

Yeas: 12 - Breese-Iverson, Evans, Gomberg, Helfrich, Holvey, Lewis, Mannix, McLain, Owens, Sanchez, Smith G, Valderrama

Exc: 1 - Pham K

Senate Vote

Yeas: 11 - Anderson, Campos, Dembrow, Findley, Frederick, Gelser Blouin, Girod, Hansell, Knopp, Sollman, Steiner

Prepared By: Zachary Gehringer, Department of Administrative Services

Reviewed By: John Terpening, Legislative Fiscal Office

Department of State Police

2023-25

Budget Summary*

	2023-25 Legislatively Approved Budget ⁽¹⁾	2024 Committee Recommendation	Committee Change from 2023-25 Leg. Approved	
			\$ Change	% Change
General Fund	\$ -	\$ 540,734	\$ 540,734	100.0%
Total	\$ -	\$ 540,734	\$ 540,734	100.0%

Position Summary

Authorized Positions	0	6	6
Full-time Equivalent (FTE) positions	0.00	2.42	2.42

⁽¹⁾ Includes adjustments through January 2024

* Excludes Capital Construction expenditures

Summary of Revenue Changes

House Bill 4122 directs the Oregon Department State Police (OSP) to participate in the Federal Bureau of Investigation (FBI) Rap Back system and includes a one-time \$540,734 General Fund appropriation for associated costs, including six limited duration positions (2.42 FTE) for the 2023-25 biennium.

Summary of Public Safety Subcommittee Action

HB 4122 directs OSP to participate in the FBI’s Rap Back program for fingerprint criminal records checks. The Rap Back system allows authorized agencies to receive ongoing notifications of any criminal history reported on individuals whose fingerprints are registered in the system. This new program will require OSP to retain fingerprint cards and facsimiles of fingerprints provided to or received from the FBI for the purpose of employment or licensing. OSP and the FBI must retain the fingerprints of individuals enrolled in the Rap Back program until they are no longer employed or licensed by an authorized agency. When an individual is no longer employed or licensed, the authorized agency must provide notification to OSP which must then destroy the fingerprints and request the FBI do the same. To be authorized to participate, state agencies will be required to subscribe to the Rap Back program with OSP and submit an implementation plan to the Legislature by December 31, 2024.

OSP currently checks around 218,000 fingerprints per biennium. However, OSP does not retain fingerprint background check records, and for participation in this program, previously fingerprinted individuals would need to go through the process again. Due to this requirement, OSP

anticipates the potential for a large volume of new background checks. For context, there are over 390,000 individuals licensed through state licensing boards that could require reprinting depending on participation in the program.

The program begins January 1, 2025, and OSP anticipates hiring two limited duration Fingerprint Technicians starting on July 1, 2024, to receive training in preparation of the program start date. The Department would phase-in the remaining positions, with two limited duration Fingerprint Technicians beginning October 2024, and two beginning January 2025. The one-time costs to the Department are \$540,734 General Fund in the 2023-25 biennium. This including \$375,734 for personal services, \$90,000 in position-related services and supplies, and \$75,000 for a new fingerprint terminal and additional storage space for card retention.

The number of state agencies or local government entities that will subscribe to the program, and therefore the number of individuals required to enroll, is indeterminate. Over the long term, with record retention, the overall volume of fingerprint background checks conducted by the Department may decrease. Once implementation plans are received, the Department will be able to determine workload and resource requirements needed to implement the program. The following budget note is included:

Budget Note

Rap Back Program Implementation

HB 4122 requires an agency subscribing to the Rap Back program within the Department of State Police to submit an implementation plan to the Legislature regarding accessibility, timeline for enrollment, education, and projected costs to agencies or individuals. This report is due no later than December 31, 2024. The Department is directed to report to the Public Safety Subcommittee of the Joint Committee on Ways and Means by February 2025, on the agency implementation plans that have been submitted, a timeline for agency enrollment and associated workload estimates, and any additional resources that may be required for the Department to implement the Rap Back program.

Finally, the measure does not specify the entity responsible for paying the \$46.25 cost of the background check, and depending on the responsible party, additional resources may be requested. For state licensing boards, cost of fingerprint background checks are generally borne by the individual applying for licensure.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

Department of State Police
 Zachary Gehringer – 971-209-9217

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<u>SUBCOMMITTEE ADJUSTMENTS</u>									
SCR 001 - Administrative Services Division									
Personal Services	\$ 375,734	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 375,734	6	2.42
Services and Supplies	\$ 165,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,000		
SUBCOMMITTEE RECOMMENDATION *	\$ 540,734	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 540,734	6	2.42
% Change from 2023-25 Leg Approved Budget	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	100.0%

*Excludes Capital Construction Expenditures