

ARIZONA STATE SENATE
RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE
Representative Carl Seel, Chairman
Senator Rick Murphy, Vice-Chairman

AMBER O'DELL
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PUBLIC SAFETY & HUMAN SERVICES COMMITTEE
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DATE: October 22, 2012

SUBJECT: Sunset Review of the Arizona Board of Fingerprinting

Attached is the final report of the sunset review of the Arizona Board of Fingerprinting, which was conducted by the Senate Public Safety and Human Services and the House of Representatives Military Affairs and Public Safety Committee of Reference.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Jan Brewer

President of the Senate
Senator Steve Pierce

Speaker of the House of Representatives
Representative Andrew M. Tobin

Senate Members
Senator Linda Gray, Co-Chair
Senator Nancy Barto
Senator Rich Crandall
Senator Leah Landrum Taylor
Senator Linda Lopez

House Members
Representative Terri Proud, Co-Chair
Representative Jeff Dial
Representative Ruben Gallego
Representative Albert Hale
Representative David Burnell Smith

Arizona Board of Fingerprinting
Arizona State Library, Archives & Public Records

Senate Majority Staff
Senate Research Staff
Senate Minority Staff

House Majority Staff
House Research Staff
House Minority Staff

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**Senate Public Safety and Human Services and
House of Representatives Military Affairs and Public Safety
Committee of Reference Report**

ARIZONA BOARD OF FINGERPRINTING

Background

Pursuant to A.R.S. § 41-2953, the Joint Legislative Audit Committee (JLAC) assigned the sunset review of the Arizona Board of Fingerprinting (Board) to the Committee of Reference comprised of members of the Senate Public Safety and Human Services Committee and the House of Representatives Military Affairs and Public Safety Committee.

Created by the Legislature in 1999, the Board considers applications for good cause exceptions from people who have been denied a fingerprint clearance card (card) by the Department of Public Safety (DPS). Arizona statutes require a fingerprint clearance card for several types of professional licensure, certification, and state jobs, mainly those that involve working with children or vulnerable adults. DPS must deny a card if an applicant is subject to registration as a sex offender, has been convicted of or is awaiting trial for certain crimes listed in statute, or if it cannot determine the outcome of an arrest for these crimes within 30 business days of receiving the criminal records. The Board's ability to grant a good cause exception is designed to resolve those cases whose outcome could not be determined by DPS and to allow convicted people to demonstrate that they have been successfully rehabilitated.

Before the creation of the Board and the fingerprint clearance card, five agencies whose heads now appoint members of the Board were responsible for decisions about the criminal records of the people they licensed, certified or employed to work with children and vulnerable adults. Not only could duplicate efforts occur, but there was no assurance that the same standards were applied across the five agencies. These agencies are the Departments of Economic Security (DES), Education, Health Services and Juvenile Corrections, and the Arizona Supreme Court.

In 2012, the Legislature expanded the Board's authority to include Central Registry exceptions. Under existing law, which was expanded by the legislation, DES must use the Central Registry, which contains substantiated reports of child abuse or neglect, as a factor to determine qualifications for certain individuals or contractors. If the person is initially disqualified from the relevant employment, he or she may request an exception from the Board. In a process similar to good cause exceptions, the Board considers Central Registry exceptions by considering specified statutory criteria to decide whether the applicant is not a recidivist and is rehabilitated from the incident that led to the Central Registry check being denied. This Board function has existed since August 2, 2012.

The Board initially considers applications in a step called "expedited review" when it determines whether to grant a good cause exception immediately or to refer the case to a hearing. In conducting the expedited review, the Board considers statutory criteria, such as the length of time since the offense, the nature of the offense, mitigating factors and evidence of rehabilitation. If more information is needed to make a decision, the application for a good cause exception proceeds to a hearing, which is conducted by a hearing officer. The hearing officer files a written recommendation to the Board to grant or deny a good cause exception, and the Board makes the final decision. According to the Board, in FY 2011 there were approximately 2,300 applications filed for good cause exceptions; 88 percent of cases were approved during expedited review.

Committee of Reference Sunset Review Procedures

The Committee of Reference held one public meeting on October 15, 2012 to review the sunset factors and the responses to the statutorily required agency questions and to receive public testimony. The Committee of Reference received testimony from Dennis Seavers, Executive Director of the Board.

Committee Recommendations

The Committee of Reference recommends that the Legislature continue the Board for 10 years.

Attachments

1. Meeting Notice
2. Minutes of Committee of Reference Meeting
3. Board Response to the Sunset Factors and Required Agency Factors

Interim agendas can be obtained via the Internet at <http://www.azleg.state.az.us/InterimCommittees.asp>

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE PUBLIC SAFETY AND HUMAN SERVICES AND HOUSE MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE OF REFERENCE

Date: Monday, October 15, 2012

Time: 2:00 P.M.

Place: SHR 1

AGENDA

1. Call to Order
2. Opening Remarks
3. Sunset Audit of the Arizona Board of Fingerprinting (Board)
 - Presentation by the Board
 - Public Testimony
 - Discussion
 - Recommendations by the Committee of Reference
4. Adjourn

Members:

Senator Linda Gray, Co-Chair
Senator Nancy Barto
Senator Rich Crandall
Senator Leah Landrum Taylor
Senator Linda Lopez

Representative Terri Proud, Co-Chair
Representative Jeff Dial
Representative Ruben Gallego
Representative Albert Hale
Representative David Burnell Smith

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For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE LEGISLATURE

SENATE PUBLIC SAFETY AND HUMAN SERVICES AND HOUSE MILITARY AFFAIRS AND PUBLIC SAFETY COMMITTEE OF REFERENCE

Minutes of the Meeting
Monday, October 15, 2012
2:00 p.m., Senate Hearing Room 1

Members Present:

Senator Linda Gray, Co-Chair
Senator Nancy Barto
Senator Linda Lopez

Representative Terri Proud, Co-Chair
Representative Jeff Dial
Representative Ruben Gallego
Representative Albert Hale

Members Absent:

Senator Rich Crandall
Senator Leah Landrum Taylor

Representative David Burnell Smith

Staff:

Amber Witter, Senate Research Analyst,
Kody Kelleher, Assistant Research Analyst
Paul Benny, House Assistant Research Analyst

Co-Chairman Gray called the meeting to order at 2:06 p.m. and attendance was noted.

Sunset Audit of the Arizona Board of Fingerprinting

Dennis Seavers, Executive Director, Arizona Board of Fingerprinting, distributed a handout entitled "Arizona Board of Fingerprinting, Sunset Hearing" (Attachment A). Mr. Seavers gave an overview and a powerpoint presentation on the Arizona Board of Fingerprinting. Mr. Seavers answered questions posed by the Committee.

Recommendations by the Committee of Reference

Representative Proud moved that the Committee of Reference make the recommendation to continue the Arizona Board of Fingerprinting for ten years. The motion CARRIED by a voice vote.

There being no further business, the meeting was adjourned at 2:22 p.m.

Respectfully submitted,

Toy Brown
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)

Arizona Board of Fingerprinting

Sunset Hearing
Senate PSHS and House MAPS Committee of Reference

What We Do

Exception applications

- Determine whether applicant is rehabilitated and not a recidivist
- Two types of applicants
 - **Good-cause exception**
 - Based on denial or suspension of fingerprint clearance card by DPS
 - Is the person rehabilitated from past criminal history?
 - **Central-registry exception**
 - Based on failure to clear a central-registry background check by DES
 - Is the person rehabilitated from past acts of child abuse or neglect?

Arizona Board of Fingerprinting
Sunset Hearing

Board members

Non-gubernatorial appointments

- Appointed by:
 - Chief justice
 - State superintendent for public instruction
 - Director of DES
 - Director DHS
 - Director of DJC
- Members must have level I fingerprint clearance card
- Alternates may be appointed

Arizona Board of Fingerprinting
Sunset Hearing

Funding and Staffing

Board of Fingerprinting Fund, A.R.S. § 41-619.56

- Portion (\$7) of the fingerprint-clearance-card fee
- Non-appropriated and non-lapsing fund
- Revenues
 - FY 2012 (actual): \$937,700
 - FY 2013 (estimate): \$937,400
- Expenditures
 - FY 2012 (actual): \$490,400
 - FY 2013 (estimate): \$576,200
- 4.75 FTEs (employees must have level I fingerprint clearance card)

Arizona Board of Fingerprinting
Sunset Hearing

Good-Cause Exceptions

Fingerprint clearance cards

- DPS receives fingerprint-clearance-card application
- DPS compares criminal-history records with crimes precluded by statute (A.R.S. §§ 41-1758.03 and 41-1758.07)
- If eligible, denied applicant may apply to Board for a good-cause exception
 - Some crimes prohibit a person from applying
 - Applicants try to show that they're rehabilitated and not recidivists
- DPS suspensions of fingerprint clearance cards

Arizona Board of Fingerprinting
Sunset Hearing

Good-Cause Exceptions

Criteria for approval, A.R.S. § 41-619.55(E)

- Applicant must prove to the Board's satisfaction that he or she is rehabilitated and not a recidivist (supermajority requirement)
- Substantiated allegations of child or vulnerable-adult abuse or neglect (separate from central-registry exceptions)
- Before granting application, Board must consider:
 - The extent of the person's criminal record
 - The length of time that has elapsed since the offense
 - The nature of the offense
 - Any applicable mitigating circumstances
 - The degree to which the person participated in the offense
 - The extent of the person's rehabilitation, including:
 - Completion of probation, parole, or community supervision
 - Whether the person paid restitution or other compensation for the offense
 - Evidence of positive action to change criminal behavior, such as completion of drug treatment or counseling
 - Personal references attesting to the person's rehabilitation

Arizona Board of Fingerprinting
Sunset Hearing

Application Process

Same for both types of applications

- ↳ Application received
- ↳ Records ordered
 - ↳ Good-cause exception: criminal-history records from DPS
 - ↳ Central-registry exception: central-registry records from DES and criminal-history records from DPS
- ↳ If application is incomplete, communicate with applicant
- ↳ Expedited review
 - ↳ Initial review by Board to determine whether applicant has demonstrated rehabilitation without needing a hearing
 - ↳ Most cases are resolved at expedited review
- ↳ Administrative hearing
- ↳ Board decision

Arizona Board of Fingerprinting
Sunset Hearing

Good-Case Exceptions

Statistical information (FY 2012)

- ↳ 2,464 applications received
- ↳ 2,635 cases closed
 - ↳ 271 closed administratively (10.28%)
 - ↳ 107 DPS issued card
 - ↳ 11 ineligible
 - ↳ 153 withdrew/dropped out
 - ↳ 88 denied (3.34%)
 - ↳ 2,276 approved (86.38%)
 - ↳ 196 after administrative hearing (8.61% of approvals)
 - ↳ 2,080 at expedited review (91.39% of approvals, 87.99% of cases where a Board decision is made)

Arizona Board of Fingerprinting
Sunset Hearing

Good-Case Exceptions

Statistical information (FY 2012)

- ↳ Average number of days to dispose: **48.75**
 - ↳ Average number of days spent processing applications: **30.44**
 - ↳ Average number of days spent processing complete application from receipt to expedited review: **13.71**
- ↳ Time frames
 - ↳ 20 days from completed application to expedited review: **98.39%**
 - ↳ 45 days from expedited review to hearing: **12.68%**
 - ↳ 80 days from hearing to decision: **54.35%**

Arizona Board of Fingerprinting
Sunset Hearing

Central-Registry Exceptions

Central-registry background checks

- The central registry is a collection of CPS databases with information about allegations of child abuse or neglect
- Some employment requires central-registry background check
- DES denies clearance for individuals with substantiated allegations of child abuse or neglect
- All denied individuals may apply to the Board for central-registry exception

Arizona Board of Fingerprinting
Sunset Hearing

Central-Registry Exceptions

Criteria for approval, A.R.S. § 41-619.57(E)

- Applicant must prove to the Board's satisfaction that he or she is rehabilitated and not a recidivist (supermajority requirement)
- Criminal history
- Before granting application, Board must consider:
 - The extent of the person's central-registry records
 - The length of time that has elapsed since the abuse or neglect
 - The nature of the abuse or neglect
 - Any applicable mitigating circumstances
 - The degree to which the person participated in the abuse or neglect
 - The extent of the person's rehabilitation, including:
 - Evidence of positive action to change the person's behavior, such as completion of counseling or a drug-treatment, domestic-violence, or parenting program
 - Personal references attesting to the person's rehabilitation

Arizona Board of Fingerprinting
Sunset Hearing

Arizona Board of Fingerprinting

Sunset Hearing
Senate PSHS and House MAPS Committee of Reference

ARIZONA STATE SENATE
RESEARCH STAFF



TO: MEMBERS OF THE SENATE PUBLIC SAFETY
& HUMAN SERVICES AND HOUSE OF
REPRESENTATIVES MILITARY AFFAIRS
AND PUBLIC SAFETY COMMITTEE OF
REFERENCE

AMBER O'DELL
LEGISLATIVE RESEARCH ANALYST
PUBLIC SAFETY &
HUMAN SERVICES COMMITTEE
Telephone: (602) 9263171
Facsimile: (602) 9263833

DATE: August 29, 2012

SUBJECT: Arizona Board of Fingerprinting Sunset Review

The Arizona Board of Fingerprinting (Board) is scheduled to terminate July 1, 2013. Arizona statute requires the committee of reference (COR) to consider certain factors in deciding whether to recommend continuance, modification or termination of an agency (A.R.S. § 41-2954).

The Joint Legislative Audit Committee has assigned the sunset review of the Board to the COR comprised of members of the Senate Public Safety and Human Services and House of Representatives Military Affairs and Public Safety Committees. A public meeting will be scheduled in order to review the sunset factors and the responses to the statutorily required agency questions, to take public testimony and to adopt recommendations.

A copy of the Board's response is attached for your review. Additionally, the sunset audit from 2007, prepared by the Office of the Auditor General (OAG), is available on the OAG's website.

If you have any questions or need further assistance, please feel free to contact me, Amber Witter, Senate Public Safety and Human Services Analyst or Liz Dunfee, House of Representatives Military Affairs and Public Safety Analyst.

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Attachments

ARIZONA BOARD OF FINGERPRINTING AGENCY RESPONSE

Senate Public Safety and Human Services and House Military Affairs and Public Safety
Committee of Reference

SUNSET FACTORS

1. The objective and purpose in establishing the agency and the extent to which the objective and purpose are met by private enterprises in other states.

Good-cause exceptions

In 1998, House Bill 2585 established the fingerprint clearance card system, which is jointly administered by the Arizona Department of Public Safety (DPS) and the Arizona Board of Fingerprinting (Board).¹ The bill was designed to address duplication of criminal background checks by multiple agencies by consolidating and standardizing the process for conducting employment- or licensure-related criminal background checks.

Before the fingerprint clearance card system was established, multiple agencies that regulated or funded similar programs had separate processes for conducting background checks. For example, a person who planned to work with juveniles might have to be cleared by both the Administrative Office of the Courts and the Arizona Department of Health Services, each of which had different criteria for background clearance.² After the fingerprint-clearance-card system was established, that person only needed to get a fingerprint clearance card, which was portable among the five agencies that required the cards.

DPS is responsible for handling applications for and issuing fingerprint clearance cards. The Board only becomes involved if the application for a fingerprint clearance card is denied, or if the card is suspended. In most cases, individuals who have been denied or had a card suspended will be eligible to request a good-cause exception from the Board.

The Board's responsibility is to determine whether an applicant is rehabilitated and not a recidivist. If the Board approves the application, the person will receive a fingerprint clearance card, despite the reasons the fingerprint clearance card was originally denied or suspended. Before granting an application, the Board must consider the criteria in A.R.S. § 41-619.55(E), which lists factors such as length of time since the offense, the nature of the offense, mitigating factors, and evidence of rehabilitation (such as completion of drug treatment or counseling).

¹ Arizona Session Laws 1998 (Second Regular Session), Chapter 270.

² Final revised House Bill 2585 Fact Sheet from the 43rd Legislature, Second Regular Session.

Central-registry exceptions

In 2012, Senate Bill 1136 created central-registry exceptions and assigned jurisdiction for them to the Board.³ Under existing law, which was expanded by the legislation, certain individuals or contractors would need to have a pre-employment background check conducted on the central registry, a collection of databases maintained by the Arizona Department of Economic Security that contains information about allegations of child abuse or neglect. If a person has a substantiated allegation of child abuse or neglect, the person is initially disqualified from the relevant employment but permitted to request a central-registry exception from the Board.

In a process similar to good-cause exceptions, the Board considers central-registry exceptions by deciding whether the applicant is not a recidivist and is rehabilitated from the incident or incidences that led to the central-registry background check being denied. Before granting an application, the Board must consider the criteria in A.R.S. § 41-619.57(E), which lists factors such as length of time since the abuse or neglect, the nature of the abuse or neglect, mitigating factors, and evidence of rehabilitation (such as completion of drug treatment or parenting program). If approved, the applicant would be eligible to work in the regulated fields.

Central-registry exceptions have only existed since August 2, 2012, and thus represent a new function for the Board.

Private enterprises

The functions that the Board fulfills—considering applications for good-cause exceptions and central-registry exceptions—do not have analogues in other states or in the private sector. Since dissemination of the primary information that the Board considers (criminal-history records and CPS investigative information) is restricted, it is improbable that the Board's basic functions could be privatized, at least not without significant public-policy changes or, in some cases, Congressional action.

2. The extent to which the agency has met its statutory objective and purpose and the efficiency with which it has operated.

The Board has met its statutory objective and purpose and largely operated efficiently. When there have been inefficiencies, such as backlogs, the Board has taken steps to address the problem.

Like most state agencies, the Board has been negatively affected by Arizona's recent budget problems. Due to fund sweeps, the Board faced the possibility of cash-flow problems in fiscal year 2010 and reduced its staff over the course of the year by 32%. Although other agencies had similar cuts in staff, a reduction of this size is particularly damaging to a small agency. At the same time, from fiscal year 2010 to 2011, the Board's caseload increased by a third. As a result, the Board was no longer 100%

³ Arizona Session Laws 2012 (Second Regular Session), Chapter 188.

compliant with statutory time frames, particularly for complex cases that required administrative hearings (which constitute a small minority of cases). Since the state's fiscal picture has improved, the Board will be increasing its staff resources to improve time-frame compliance. And even though not all cases meet the statutory time frames, the vast majority of cases are resolved quickly, often in a matter of days; most applicants have not suffered the impact of the Board's budget cuts.

3. The extent to which the agency serves the entire state rather than specific interests.

Whether a person is eligible to apply to the Board is determined by statute and not by interest group or some other criterion.

4. The extent to which rules adopted by the agency are consistent with legislative mandate.

The Board's rules are all designed to implement statutes adopted by the Legislature.

5. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

Under A.R.S. § 41-619.53(A)(2), the Board is exempt from the rulemaking requirements of the Administrative Procedures Act (APA). Nonetheless, the Board has diligently sought wide input on proposed rules and followed most of the APA's rulemaking requirements. When the Board has proposed rules, it has always contacted all stakeholders—regardless of the policy or political positions of that group—to seek input. It has normally conducted public hearings and always held public-comments periods. The Board either has adopted suggestions from the public or stated clearly and publicly its reasons for not adopting the suggestions.

6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.

The Board does not have the power to investigate or adjudicate complaints.

7. The extent to which the attorney general or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

The enabling legislation provides no such power.

8. The extent to which agencies have addressed deficiencies in their enabling statutes that prevent them from fulfilling their statutory mandate.

The Board has requested legislation various times to address deficiencies. Since the Board's 2008 sunset, the only such legislation has been technical in nature.

9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in this subsection.

The Board does not believe that any changes are necessary.

10. The extent to which the termination of the agency would significantly affect the public health, safety or welfare.

There are important policy reasons for the Board to exist; otherwise, state regulation would be excessively burdensome on business and citizens by preventing suitable workers from being employed in regulated fields (for more information, see number 4 under "Additional Factors" below). However, eliminating the Board would not negatively affect public health, safety, or welfare, but only if anyone who normally could apply to the Board—applicants whose fingerprint clearance card was denied or suspended or applicants whose central-registry background check did not clear—would simply be unable to work in the regulated fields.

If the Legislature were to eliminate the fingerprint-clearance-card system or the central-registry background checks, there would be a significant risk for public safety, since most populations that require the cards or checks work with children, the elderly, or vulnerable adults.

11. The extent to which the level of regulation exercised by the agency compares to other states and is appropriate and whether less or more stringent levels of regulation would be appropriate.

Although the requirements to have fingerprint clearance cards and conduct central-registry background checks are regulatory requirements, these regulations are exercised by other agencies. There is no analogue of the Board in another state.

12. The extent to which the agency has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

The Board does not have an analogue in other states. Its use of private contractors for goods and services matches the use in similar-sized Arizona state agencies.

13. The extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, affecting the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

The Board is not aware of any unexpected negative consequences.

ADDITIONAL FACTORS

1. Identify the problem or needs that the agency is intended to address.

Good-cause exceptions

The fingerprint-clearance-card system was established to address duplication of criminal background checks by multiple agencies by consolidating and standardizing the process for conducting employment- or licensure-related criminal background checks. Before the system was established, there were various criteria among agencies for allowing individuals with criminal histories to work with vulnerable populations.

Under the current system, the conflicting criteria and overlap are eliminated by having one agency (DPS) responsible for screening out individuals with disqualifying criminal histories and another agency (the Board) responsible for making consistent decisions on whether individuals with criminal histories are rehabilitated.

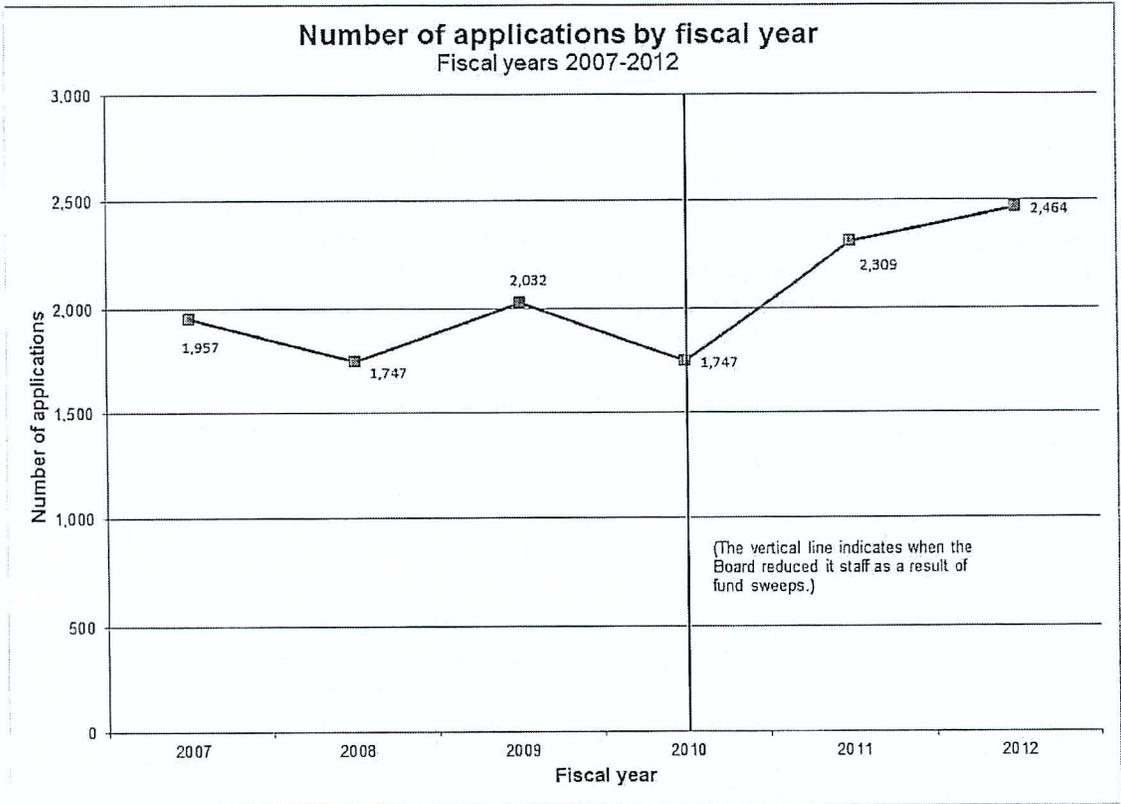
Central-registry exceptions

In 2012, Senate Bill 1136 increased the number of individuals who required a central-registry background check as a condition of working with vulnerable populations. In addition, the bill addressed the problem that rehabilitated workers would otherwise be ineligible to work by requiring the Board to consider applications for central-registry exceptions. The provision of the bill that created central-registry exceptions was requested by the Arizona Association of Providers for People with Disabilities and supported by the Arizona Child Care Association.

2. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.

The Board is responsible for determining good-cause exceptions and, beginning August 2, 2012, central-registry exceptions.

The chart on the next page shows the Board's increase in caseload from fiscal year 2007 to 2012. It also shows when the Board decreased its staff size in response to fund sweeps.



The Board's timeliness has been affected by the caseload increase and staff reduction. At the beginning of fiscal year 2010, all of the Board's cases complied with the time frames for holding expedited reviews⁴ within 20 days of receiving an application and making a decision within 80 days of an administrative hearing. By the end of that fiscal year, only 18% of cases were resolved within the 20-day time frame for expedited reviews, and only 60% of cases were decided within 80 days of a hearing.

The Board was able to improve its compliance with time frames by changing some internal policies. As a result, nearly all cases (99.66% for the third quarter of fiscal year 2012) met the 20-day time frame, which meant that the vast majority of cases were being resolved in a matter of days. However, since the process for administrative

⁴ The Board has a two-tiered process for handling applications:

- The expedited review is an initial review of the application by the Board, without the applicant being present. The purpose of the review is to quickly approve those cases where the documentation alone clearly shows rehabilitation (without needing a hearing) and to refer to hearing those cases where the applicant has not yet demonstrated rehabilitation. Most cases are resolved at an expedited review—in fiscal year 2011, 88% of cases were approved at this point in the process.
- The hearing is reserved for those cases where rehabilitation is not clear or the applicant has not met the application requirements. Few cases require a hearing, although the amount of work required to resolve the case increases significantly.

hearings is largely governed by statutes and case law, the Board has been unable to reduce the amount of time to make a decision following a hearing. Now that the state's finances have improved, the Board plans to increase staff resources to improve time-frame compliance.

Since the law creating central-registry exceptions went into effect on August 2, 2012, the Board did not have data available on those applications at the time this response was written.

3. Identify any other agencies having similar, conflicting or duplicative objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies.

The Board's objectives do not overlap or conflict with other agencies' objectives.

4. Assess the consequences of eliminating the agency or of consolidating it with another agency.

Eliminating the agency would have negative consequences for certain citizens and businesses by prohibiting certain potential employees from working in the fields that require fingerprint clearance cards or central-registry background checks.

Business such as real-estate agencies, human-service providers, and schools would have additional limitations on whom they can hire. Especially in rural areas, where fewer qualified personnel are available to work, these limitations could hinder a business's operations. Certain businesses, especially those that provide services to individuals with drug addictions, see a value in hiring personnel with criminal histories, as long as the employees are rehabilitated. According to some of these businesses, a rehabilitated person who has a history with drug addiction, for example, can relate to the experiences of clients and provide a model of rehabilitation and thus can be a valuable employee.

Rehabilitated citizens who are looking for work at a time of high unemployment would have job opportunities further limited if their criminal histories disqualified them from work. Rural areas in particular may have a limited number of available jobs, especially ones that pay reasonably well.

Eliminating the Board would not improve public safety, since only applicants who demonstrate rehabilitation are approved, so the impact of eliminating the Board would be to reduce the cost of a fingerprint clearance card by a negligible amount and place limitations on businesses and job seekers.

