1   H.24

2   Introduced by Representatives LaLonde of South Burlington, Colburn of

3   Burlington, Donovan of Burlington, Patt of Worcester, Till of

4   Jericho, and Troiano of Stannard

5   Referred to Committee on

6   Date:

7   Subject: Vermont Crime Information Center; criminal history record fees

8   Statement of purpose of bill as introduced: This bill proposes to exempt from

9   the Vermont criminal history record check fee individuals earning at or below

10   200 percent of the federal poverty level and the organizations that serve them.

11   An act relating to criminal history record fees

12   It is hereby enacted by the General Assembly of the State of Vermont:

13   Sec. 1. 20 V.S.A. § 2063 is amended to read:

14   § 2063. CRIMINAL HISTORY RECORD FEES; CRIMINAL HISTORY

15   RECORD CHECK FUND

16   (a) Except as otherwise provided for in this section, the cost of each check

17   for a criminal history record as defined in section 2056a of this title or a

18   criminal conviction record as defined in section 2056c of this title based on

19   name and date of birth shall be $30.00. Out-of-state criminal history record

1   checks shall include any additional fees charged by the state from which the

2   record is requested.

3   (b) Requests made by criminal justice agencies for criminal justice

4   purposes or other purposes authorized by State or federal law shall be exempt

5   from all criminal history record check fees. The following types of requests

6   shall be exempt from the Vermont criminal history record check fee:

7   (1) Requests made by any individual, organization, or governmental

8   body doing business in Vermont that has one or more individuals performing

9   services for it within this State and is a qualified entity that provides care or

10   services to children, elders, or persons with disabilities as defined in 42 U.S.C.

11   § 5119c.

12   (2) Requests made by researchers approved by the Vermont Crime

13   Information Center to conduct research related to the administration of

14   criminal justice. ~~A fee, however, may be charged by the~~ The Center may

15   charge a fee, which shall reflect the cost of generating the requested

16   information.

17   (3) Requests made by individuals to review their own criminal history

18   record at the Vermont Crime Information Center; however, copies of the

19   individual's record are not exempt from the criminal history record check fee.

20   (4) Requests made by the Vermont State Housing Authority and other

21   public housing authorities pursuant to 24 V.S.A § 4010(c).

1   (5) Requests made by environmental enforcement officers employed by

2   the Agency of Natural Resources.

3   (6) Requests made by an organization that, as its primary function,

4   serves individuals who are at or below 200 percent of the federal poverty level.

5   (7) Requests made by an individual who receives public benefits and

6   completes a notarized certification attesting that the individual's income is at

7   or below 200 percent of the federal poverty level.

8   (c)(1) The Criminal History Record Check Fund is established and shall be

9   managed by the Commissioner of Public Safety in accordance with the

10   provisions of 32 V.S.A. chapter 7, subchapter 5. The fees paid each year under

11   this section shall be placed in the Fund and used for personal services and

12   operating costs related to the processing, maintenance, and dissemination of

13   criminal history records. The Commissioner of Finance and Management may

14   draw warrants for disbursements from this Fund in anticipation of receipts.

15   (2) At the end of each fiscal year, any undesignated surplus in the Fund

16   shall be transferred to the General Fund.

17   (d) The Department of Public Safety shall have the authority, with the

18   approval of the Secretary of Administration, to establish limited service

19   positions as are necessary to provide criminal history record checks in a timely

20   manner, provided that there are sufficient funds in the Criminal History Record

21   Check Fund to pay for the costs of these positions.

1   Sec. 2. EFFECTIVE DATE

2   This act shall take effect on passage.