

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING DISQUALIFICATION FROM SCHOOL EMPLOYMENT FOR CONVICTION OF CERTAIN OFFENSES, AND MAKING AN APPROPRIATION THEREFOR.

Prime Sponsors: Representative Ramirez
Senator King K.

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Summary of Amendments Made to the Bill After the 03/01/11 Legislative Council Staff Revised Fiscal Note Was Prepared (Amended by the House Appropriations Committee 03/04/11, and by the House Committee of the Whole 03/08/11 and 03/11/11)

The House Appropriations Committee added an appropriations clause to the bill, described below in the "Amendments/Appropriation Status" section.

The Committee of the Whole passed amendments that:

1. Strike section 2 of the printed bill, which would have required the Department of Education to provide information concerning whether a current or prospective employee has received a disposition or an adjudication as a juvenile for an offense that would constitute felony unlawful sexual behavior if committed by an adult;
2. Specify that an employee or prospective employee is disqualified from employment if the results of a fingerprint-based criminal history record check completed *on or after the effective date of this act* disclose a conviction for certain offenses;
3. Specify that the disqualification from employment and the grounds for mandatory denial, annulment, suspension, or revocation of a license, certificate, endorsement, or authorization shall not apply if five years or more have passed since the date the offense was committed *and the person has successfully completed any domestic violence treatment required by the court*¹; and
4. Name the act the "*Safer Schools Act of 2011*".

¹ Please note that on page 7 of the reengrossed bill, lines 5 through 12 state that the disqualification from employment shall only apply if fewer than five years have passed since the date the offense was committed and, for certain offenses, the person has successfully completed any domestic violence treatment required by the court. It is staff's understanding that this language was intended to state that the disqualification from employment shall only apply for a period of five years following the date the offense was committed and, for certain offenses, the person has successfully completed any domestic violence treatment required by the court (similar to language on pages 11 and 12).

Joint Budget Committee Staff and Legislative Council Staff agree that the above amendments do not affect the fiscal impact of the bill. Please note that with respect to item #2, above, the attached Fiscal Note assumed that the bill did not apply to fingerprint-based criminal history checks completed before the effective date of the act; thus, this amendment does not affect the fiscal impact identified in the attached Fiscal Note.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill includes an appropriation clause that provides \$83,383 cash funds from the Educator Licensure Cash Fund and 0.9 FTE to the Department of Education for FY 2011-12, and \$11,005 reappropriated funds to the Department of Law for FY 2011-12.

Bill Sponsor Amendments

Sponsor amendment **L.010** corrects language on page seven of the bill concerning circumstances under which disqualification for employment shall apply [as described in footnote #1 on page one of this analysis]. The amendment also makes changes on pages 11 and 12 to make the language in similar provisions consistent. This amendment does not affect the fiscal impact of the bill.

Points to Consider

None.