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**BILL ANALYSIS**

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House Bill 4233 (as passed by the House)
Sponsor: Representative Morris Hood III
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 3-7-05

CONTENT

The bill would amend the Horse Racing Law to provide for the collection of fingerprints and fees from applicants for licensure under the Law, and allow the Department of State Police to submit the fingerprints to the Federal Bureau of Investigation (FBI) for a criminal history check.

Under the bill, an applicant for an occupational licensure would have to provide the Racing Commissioner with one or more sets of his or her fingerprints, as requested by the Commissioner. To determine whether the applicant had been convicted of a crime in Michigan or another state, the Commissioner would have to submit the fingerprints and the appropriate State and Federal fees to the Department of State Police for a criminal history check. The applicant would have to pay the fees at the time the fingerprints were submitted to the Commissioner. The Department of State Police could forward the fingerprints to the FBI for a criminal history check. Information obtained from the criminal history check could be used only to determine the character and fitness of the applicant for licensing purposes.

(The Horse Racing Law provides that each person participating in or having to do with pari-mutuel horse racing or wagering on the results of horse races at a licensed race meeting may be licensed by the Racing Commissioner. The Commissioner may not issue an occupational license, however, to a person who was convicted within the preceding six years of a felony involving theft, dishonesty, misrepresentation, fraud, corruption, drug possession, delivery, or use, or other criminal misconduct related to the person's ability and likelihood to perform, in a fair, honest, open, and lawful manner, the functions and duties of the racing-related occupation for which he or she seeks to be licensed.)

MCL 431.316

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. The Department of State Police currently requires an applicant's fingerprints for criminal background checks. The applicant pays a \$54 fee of which \$24 is forwarded to the Federal government and \$30 is allocated to the State Police.

The Federal government is requiring statutory authorization in order for the FBI to continue processing criminal background checks.

Fiscal Analyst: Bruce Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.