



**153rd GENERAL ASSEMBLY
FISCAL NOTE**

BILL:	HOUSE SUBSTITUTE NO. 1 for HOUSE BILL NO. 47
SPONSOR:	Representative K. Williams
DESCRIPTION:	AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO BACKGROUND CHECKS.

Assumptions:

1. This Act becomes effective on July 1, 2026 following signature by the Governor. Child-serving entities and private schools must comply with the requirements of this Act by September 1, 2026.
2. This Act mandates that all employees, contractors, and volunteers of private schools and youth camps undergo fingerprint-based Delaware background checks through the State Bureau of Identification (SBI), national background checks through the Federal Bureau of Investigation (FBI) and a Child Protection Registry check through the Department of Services for Children, Youth and Their Families (DSCYF). This Act removes the option for these schools to use name-based background checks or choose not to do background check at all.
3. According to these agencies, the cost for a State and National background check is \$85. According to the Department of Education, their share of background checks for applicants to child-care facilities is \$31.25.
4. Additionally, this Act requires the State to cover the costs associated with background checks for applicants to child-care facilities. Currently, Federal funds estimated at \$180,000 annually through the Child Care and Development Fund cover the costs of background checks for applicants to child-care facilities. The exact number of applicants to childcare facilities statewide is unknown. Therefore, the fiscal impact of State funds being used to cover the costs of background checks for applicants to child-care facilities is indeterminable. It is assumed that any expansion of State-funded Pre-K services would increase the number of applicants.
5. It also allows the Department of Education and DSCYF to pay for background checks for their employees.
 - a) According to the Department of Education, it is estimated that 50 additional background checks would be performed annually. The Department of Education has not yet determined how many of these checks would be paid through state funds.
 - b) According to DSCYF, the number of checks can be absorbed by their current staff and appropriation.
6. The Delaware State Police, SBI may experience an additional volume of background checks or other criminal history record-related responsibilities as a result of this Act in future years, which is difficult to determine at the time of this fiscal projection. The SBI may require additional staffing and fiscal resources in future years to comply with this Act, depending on the outcome of the additional number of requested background checks received and the result of the regulations to be adopted pertaining to this Act.

7. The Delaware Criminal Justice Information System (DELJIS) anticipates that programming changes will be needed within the Criminal Justice Information System (CJIS) to reflect changes and enhancements to accommodate the requirements of this Act. At the time of this fiscal projection, the full technical design of these changes is being evaluated, and cost estimates for future years are unknown.

Cost:

Costs

Fiscal Year 2026: Not Applicable

Fiscal Year 2027: Indeterminable

Fiscal Year 2028: Indeterminable

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