

HOUSE BILL 744
EMERGENCY BILL

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A2

2002 Regular Session
(2lr0459)

ENROLLED BILL
-- Economic Matters/Education, Health, and Environmental Affairs --

Introduced by **Howard County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 384

1 AN ACT concerning

2 **Howard County - Alcoholic Beverages - Background Checks**
3 **Ho. Co. 4-02**

4 FOR the purpose of requiring the Howard County Board of License Commissioners to
5 obtain certain information regarding applicants for issuance or renewal of
6 alcoholic beverages licenses; restricting access to certain information to
7 members, ~~attorneys representing the Boards,~~ clerks, administrators, and
8 inspectors of the Board of License Commissioners and the Alcoholic Beverage
9 Hearing Board; making a certain stylistic change; making this Act an emergency
10 measure; and generally relating to background checks of applicants for issuance
11 or renewal of alcoholic beverages licenses in Howard County.

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 10-103(b)(13)(i), (ii), and (xi)
15 Annotated Code of Maryland

1 (1998 Replacement Volume and 2001 Supplement)

2 BY adding to

3 Article 2B - Alcoholic Beverages

4 Section 10-103(b)(13)(xii)

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2001 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 2B - Alcoholic Beverages**

10 10-103.

11 (b) Except as otherwise provided in this subtitle, every new application for a
12 license shall be made to the board of license commissioners upon forms prescribed by
13 the Comptroller and sworn to by the applicant. Every application for a license shall
14 contain the following statements:

15 (13) (i) 1. A statement as to whether the applicant has ever been
16 adjudged guilty of any offense against the laws of the State or of the United States.

17 2. The respective boards shall destroy the records obtained
18 under subparagraphs (ii), (iv), (v), (vi), (vii), (viii), [and] (ix), AND (XII) of this
19 paragraph upon completion of its necessary use of the records;

20 (ii) 1. The provisions of this subparagraph (ii) apply in the
21 following:

22 A. Anne Arundel County;

23 B. Harford County;

24 C. Prince George's County;

25 D. St. Mary's County; [and]

26 E. Worcester County[.]; AND

27 F. HOWARD COUNTY.

28 2. The county board of license commissioners or the liquor
29 control board may obtain criminal records on alcoholic beverages license applicants
30 and their agents in its respective county from the Criminal Justice Information
31 System Central Repository of the Department of Public Safety and Correctional
32 Services and county police.

1 (xi) 1. In Calvert County, for each application for a new alcoholic
 2 beverages license or for a transfer of an existing alcoholic beverages license, the Board
 3 of License Commissioners shall:

4 A. Obtain criminal records of the license applicant from the
 5 Criminal Justice Information System Central Repository of the Department of Public
 6 Safety and Correctional Services;

7 B. Require a license applicant to be fingerprinted; and

8 C. Forward the fingerprints through the Criminal Justice
 9 Information System Central Repository of the Department of Public Safety and
 10 Correctional Services for transmittal to the Federal Bureau of Investigation for a
 11 national criminal history records check.

12 2. This subparagraph does not apply to an alcoholic
 13 beverages license renewal [applicant;] APPLICANT.

14 (XII) IN HOWARD COUNTY:

15 1. THE BOARD OF LICENSE COMMISSIONERS SHALL:

16 A. OBTAIN CRIMINAL RECORDS OF ALCOHOLIC BEVERAGES
 17 LICENSE APPLICANTS FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM
 18 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
 19 CORRECTIONAL SERVICES AND ~~FROM THE NATIONAL CRIME INFORMATION CENTER~~
 20 ~~INTERSTATE IDENTIFICATION INDEX~~ FEDERAL BUREAU OF INVESTIGATION;

21 B. REQUIRE APPLICANTS FOR ALCOHOLIC BEVERAGES
 22 LICENSES IN THE COUNTY TO BE FINGERPRINTED; AND

23 C. FORWARD THE FINGERPRINTS THROUGH THE CRIMINAL
 24 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
 25 PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR TRANSMITTAL TO THE FEDERAL
 26 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

27 2. APPLICANTS FOR LICENSE RENEWAL MAY BE SUBJECT TO
 28 THIS SUBPARAGRAPH.

29 3. THE BOARD SHALL:

30 A. KEEP ALL CRIMINAL RECORDS CONFIDENTIAL; AND

31 B. MAKE ALL CRIMINAL RECORDS IN ITS POSSESSION
 32 AVAILABLE ONLY TO MEMBERS, ~~THE ATTORNEY REPRESENTING THE BOARD,~~
 33 CLERKS, ADMINISTRATORS, AND INSPECTORS OF THE BOARD OF LICENSE
 34 COMMISSIONERS AND TO MEMBERS, ~~THE ATTORNEY REPRESENTING THE BOARD,~~
 35 CLERKS, ADMINISTRATORS, AND INSPECTORS OF THE HOWARD COUNTY ALCOHOLIC
 36 BEVERAGE HEARING BOARD.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.