

HOUSE BILL 1152

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By: **Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: February 17, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commissioner of Financial Regulation – Applicant and Staff Criminal**
3 **Background Checks**

4 FOR the purpose of requiring the Commissioner of Financial Regulation to apply to
5 the Criminal Justice Information System Central Repository for a State and
6 national criminal history records check for each applicant for employment with
7 the Commissioner; authorizing the Commissioner to apply to the Central
8 Repository for a State and national criminal history records check for each
9 employee of the Commissioner; requiring the Commissioner to submit certain
10 fingerprints and fees as part of the application for the criminal history records
11 check; requiring the Central Repository to forward certain information to the
12 applicant or employee and the Commissioner; requiring that the information
13 obtained by the Central Repository be confidential and used only for certain
14 purposes; prohibiting the information obtained by the Central Repository from
15 being disseminated; authorizing certain individuals to contest the contents of
16 certain statements; requiring the Commissioner to consider certain factors in
17 considering certain convictions as they relate to the individual's qualifications
18 for employment with the Commissioner; defining certain terms; and generally
19 relating to criminal history records checks for applicants for employment with
20 and employees of the Commissioner of Financial Regulation.

21 BY repealing and reenacting, with amendments,
22 Article – Financial Institutions
23 Section 2–104
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Financial Institutions

2 2–104.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
4 MEANINGS INDICATED.

5 (2) “APPLICANT” MEANS AN APPLICANT FOR EMPLOYMENT WITH
6 THE COMMISSIONER.

7 (3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE
8 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
9 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

10 (4) “EMPLOYEE” MEANS A FULL-TIME OR PART-TIME EMPLOYEE
11 OF THE COMMISSIONER, INCLUDING A TEMPORARY EMPLOYEE OR A
12 CONTRACTUAL EMPLOYEE.

13 (B) The Commissioner may employ a staff in accordance with the State
14 budget.

15 (C) THE COMMISSIONER SHALL APPLY TO THE CENTRAL REPOSITORY
16 FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH
17 APPLICANT PRIOR TO AN OFFER OF EMPLOYMENT.

18 (D) THE COMMISSIONER MAY APPLY TO THE CENTRAL REPOSITORY
19 FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR AN
20 EMPLOYEE.

21 (E) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
22 CHECK, THE COMMISSIONER SHALL SUBMIT TO THE CENTRAL REPOSITORY:

23 (1) TWO COMPLETE SETS OF THE LEGIBLE FINGERPRINTS TAKEN
24 ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND
25 THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

26 (2) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE
27 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
28 HISTORY RECORDS; AND

29 (3) THE MANDATORY PROCESSING FEE REQUIRED BY THE
30 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
31 RECORDS CHECK.

1 **(F) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE**
2 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
3 **TO THE SUBJECT APPLICANT OR EMPLOYEE AND THE COMMISSIONER THE**
4 **APPLICANT'S OR EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.**

5 **(G) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
6 **THIS SECTION:**

7 **(1) SHALL BE CONFIDENTIAL;**

8 **(2) MAY NOT BE REDISSEMINATED; AND**

9 **(3) SHALL BE USED ONLY FOR THE EMPLOYMENT PURPOSE**
10 **AUTHORIZED BY THIS SECTION.**

11 **(H) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER**
12 **THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT**
13 **ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE**
14 **CRIMINAL PROCEDURE ARTICLE.**

15 **(I) IN CONSIDERING ANY FELONY OR MISDEMEANOR CONVICTION OF**
16 **AN INDIVIDUAL AS IT RELATES TO THE INDIVIDUAL'S QUALIFICATION FOR**
17 **EMPLOYMENT WITH THE COMMISSIONER, THE COMMISSIONER SHALL**
18 **CONSIDER:**

19 **(1) THE NATURE OF THE CRIME;**

20 **(2) THE RELEVANCE OF THE CRIME TO THE DUTIES AND**
21 **RESPONSIBILITIES RELATED TO EMPLOYMENT;**

22 **(3) THE LENGTH OF TIME SINCE THE CONVICTION; AND**

23 **(4) THE BEHAVIOR AND ACTIVITIES OF THE INDIVIDUAL SINCE**
24 **THE CONVICTION.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.