

# HOUSE BILL 1408

D4, F1

3lr3158

---

By: **Delegates Cullison, Dumais, Gutierrez, Luedtke, Mitchell, Olszewski,  
Rosenberg, Swain, Valderrama, and Zucker**

Introduced and read first time: February 15, 2013

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Criminal History Records Checks – Student Teachers**

3 FOR the purpose of requiring the Department of Public Safety and Correctional  
4 Services, on written request from a certain student teacher, to submit a certain  
5 printed statement to additional employers if the criminal history records check  
6 was completed during a certain period of time; establishing that a certain  
7 printed statement is valid in any county; and generally relating to criminal  
8 history records checks for student teachers.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 5–564  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume)

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

16 **Article – Family Law**

17 5–564.

18 (a) (1) (i) The Department shall conduct the criminal history records  
19 check and issue the printed statement provided for under this Part VI of this subtitle.

20 (ii) It shall update an initial criminal history records check for  
21 an employee, employer, or individual identified in § 5–561(c), (d), (e), or (f) of this  
22 subtitle and issue a revised printed statement in accordance with federal law and  
23 regulations on dissemination of FBI identification records.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The Department shall adopt regulations requiring:

2 (i) employers to verify periodically the continuing employment  
3 of an employee and the continuing assignment of a volunteer;

4 (ii) State or local agencies that license, register, approve, or  
5 certify any of the facilities identified in § 5–561(b) of this subtitle to verify periodically  
6 the continuing licensure, registration, approval, or certification of a facility or the  
7 continuing assignment of individuals identified in § 5–561(e) of this subtitle; and

8 (iii) child placement agencies that place a child as described in §  
9 5–561(c) of this subtitle to verify periodically the continuing participation or presence  
10 of individuals identified in § 5–561(c) of this subtitle.

11 (3) The employee, employer, volunteer, or other individual identified  
12 in § 5–561 of this subtitle is not responsible for payment of any fee to update criminal  
13 history records checks.

14 (b) (1) The Department shall provide an initial and a revised statement of  
15 the applicant's State criminal record to:

16 (i) the recipients of the printed statement specified in  
17 subsection (c) of this section; and

18 (ii) the State Department of Education if the applicant is an  
19 employee of:

20 1. a child care center that is required to be licensed or to  
21 hold a letter of compliance under Part VII of this subtitle; or

22 2. a family child care home or large family child care  
23 home that is required to be registered under Part V of this subtitle.

24 (2) The Department shall distribute the printed statement in  
25 accordance with federal law and regulations on dissemination of FBI identification  
26 records.

27 (c) (1) Upon completion of the criminal history records check of an  
28 employee, the Department shall submit the printed statement to:

29 (i) the employee's current or prospective employer at the  
30 facility or program;

31 (ii) the employee; and

32 (iii) for an employee of a child care center that is required to be  
33 licensed or to hold a letter of compliance under Part VII of this subtitle or an employee

1 of a family child care home that is required to be registered under Part V of this  
2 subtitle, the State Department of Education.

3 (2) (I) [Upon] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
4 **THIS PARAGRAPH, UPON** receiving a written request from an employee, the  
5 Department shall submit the printed statement to additional employers, if the  
6 criminal history records check was completed during the prior 180 days.

7 (II) **UPON RECEIVING A WRITTEN REQUEST FROM A**  
8 **STUDENT TEACHER EMPLOYED UNDER § 6-107 OF THE EDUCATION ARTICLE,**  
9 **THE DEPARTMENT SHALL SUBMIT THE PRINTED STATEMENT TO ADDITIONAL**  
10 **EMPLOYERS IF THE CRIMINAL HISTORY RECORDS CHECK WAS COMPLETED**  
11 **DURING THE PRIOR 365 DAYS.**

12 (3) Upon completion of the criminal history records check of an  
13 employer, the Department shall submit the printed statement to:

14 (i) the appropriate State or local agency responsible for the  
15 licensure, registration, approval, or certification of the employer's facility; and

16 (ii) the employer.

17 (4) Upon completion of the criminal history records check of an  
18 individual identified in § 5-561(c), (d), (e), or (f) of this subtitle, the Department shall  
19 submit the printed statement to the appropriate child placement or registering agency.

20 (5) **A PRINTED STATEMENT ISSUED UNDER THIS SECTION IS**  
21 **VALID IN ANY COUNTY IN THE STATE.**

22 (d) Information obtained from the Department under this Part VI of this  
23 subtitle shall be confidential and may be disseminated only to the individual who is  
24 the subject of the criminal history records check and to the participants in the hiring  
25 or approval process.

26 (e) Information obtained from the Department under this Part VI of this  
27 subtitle may not:

28 (1) be used for any purpose other than that for which it was  
29 disseminated; or

30 (2) be redisseminated.

31 (f) Information obtained from the Department under this Part VI of this  
32 subtitle shall be maintained in a manner to insure the security of the information.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2013.