

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 56
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Dumais” and substitute “, Dumais, Bromwell, Costa, Cullison, Elliott, Frank, Hammen, Kach, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Ready, and Reznik”; in lines 2 and 3, strike “Professional Counselors and Therapists - Qualifications, Surrender of Licenses and Certificates, and Disciplinary Actions” and substitute “State Board of Professional Counselors and Therapists - Criminal History Records Checks”; strike beginning with “who” in line 4 down through “therapist” in line 7 and substitute “for a license or certificate from the State Board of Professional Counselors and Therapists”; in lines 12 and 13, strike “State Board of Professional Counselors and Therapists” and substitute “Board”; in line 18, strike “grant” and substitute “issue”; in the same line, after the semicolon insert “requiring the Board, beginning with a certain renewal cycle, to begin a process of requiring criminal history records checks on selected renewal applicants and former licensees who file for reinstatement after failing to renew a license after a certain period of time; requiring an additional criminal history records check to be performed with a certain frequency;”; strike beginning with “requiring” in line 20 down through “circumstances;” in line 22; strike beginning with “or” in line 27 down through “time” in line 28; and in line 29, strike “regulation of professional counselors and therapists” and substitute “criminal history records checks for individuals regulated by the State Board of Professional Counselors and Therapists”.

On page 2, in line 3, strike “17-301.1, 17-301.2, 17-401.1, and 17-503(d)” and substitute “17-501.1, 17-503(d), and 17-504(f)”; in line 8, strike “, 17-504(d) and (e), 17-508(c),”; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

(Over)

On pages 2 and 3, strike in their entirety the lines beginning with line 19 on page 2 through line 30 on page 3, inclusive.

On page 4, in lines 4 and 5, strike “**IF REQUIRED UNDER § 17-301.1 OR § 17-401.1 OF THIS TITLE, SUBMIT**” and substitute “**SUBMIT**”; in lines 5 and 6, 10, and 22 and 23, in each instance, strike “**§ 17-301.2 OF THIS TITLE**” and substitute “**§ 17-501.1 OF THIS SUBTITLE**”; and after line 6, insert:

“17-501.1.

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

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

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF AN APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS ALLOWED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) SHALL BE CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) SHALL BE USED ONLY FOR THE LICENSING OR CERTIFICATION PURPOSE AUTHORIZED BY THIS TITLE.

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

On pages 4 and 5, strike in their entirety the lines beginning with line 25 on page 4 through line 15 on page 5, inclusive, and substitute:

(Over)

“(F) (1) (I) BEGINNING WITH THE RENEWAL CYCLE IN 2015, THE BOARD SHALL BEGIN A PROCESS OF REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH § 17-501.1 OF THIS SUBTITLE ON:

1. SELECTED RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

2. EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 17-505 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL BE PERFORMED EVERY 6 YEARS AFTER THE INITIAL RECORDS CHECK REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 16, strike “(3)” and substitute “(2)”; and in line 18, strike “§ 17-301.2 OF THIS TITLE” and substitute “§ 17-501.1 OF THIS SUBTITLE”.

On page 6, in line 3, strike “§ 17-301.2 OF THIS TITLE” and substitute “§ 17-501.1 OF THIS SUBTITLE”; and strike in their entirety lines 4 through 19, inclusive.

On page 8, in line 2, after the semicolon insert “OR”; in lines 3 and 4, strike “IF REQUIRED UNDER § 17-301.1 OR § 17-401.1 OF THIS TITLE, FAILS” and substitute “FAILS”; in line 5, strike “§ 17-301.2 OF THIS TITLE” and substitute “§ 17-501.1 OF THIS SUBTITLE”; and strike beginning with the semicolon in line 5 down through “RELATIONSHIP” in line 8.