

Chapter 130

(Senate Bill 107)

AN ACT concerning

State Lottery – Retailer Licenses – Background Investigations

FOR the purpose of adding a certain background investigation requirement to the application process for a State Lottery and Gaming Control Agency retailer license; authorizing the Director of the Agency to require certain applicants to submit fingerprints for certain records checks; requiring the Central Repository in the Department of Public Safety and Correctional Services to provide the Agency with certain information; requiring the Agency to submit certain information and fees to the Central Repository; providing that information from the Central Repository may only be used for certain purposes; authorizing the subject of a criminal history records check to contest the contents of a certain printed statement; defining a certain term; and generally relating to conducting background investigations performed by the Agency.

BY adding to

Article – State Government

Section 9–112.1

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

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

Article – State Government

9–112.1.

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

(B) THE AGENCY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH NEW APPLICANT FOR A LICENSE UNDER § 9–113 OF THIS SUBTITLE.

(C) THE DIRECTOR MAY REQUIRE ANY APPLICANT SEEKING A CHANGE OF OWNERSHIP OR RENEWAL OF A LICENSE TO SUBMIT FINGERPRINTS TO THE

CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) THE CENTRAL REPOSITORY SHALL PROVIDE TO THE AGENCY:

(1) THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS OF EACH INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION AND ISSUE A PRINTED STATEMENT OF THE FEDERAL BUREAU OF INVESTIGATION REPORT;

(2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK AND ISSUE A REVISED PRINTED STATEMENT OF THE FEDERAL BUREAU OF INVESTIGATION REPORT LISTING ANY CRIMINAL CHARGE OCCURRING AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK; AND

(3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK.

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

(1) A COMPLETE SET OF THE APPLICANT'S 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 IN § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

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

(F) (1) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE AGENCY A PRINTED STATEMENT OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

(2) NOTHING IN PARAGRAPH (1) OF THIS SUBSECTION SHALL PRECLUDE THE DIRECTOR FROM NOTIFYING A LICENSED AGENT OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION BASED ON INFORMATION OBTAINED BY THE AGENCY UNDER THIS SECTION.

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

(1) SHALL BE CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) MAY BE USED ONLY IN CONNECTION WITH THE ISSUANCE OF A LICENSE REQUIRED UNDER THIS SUBTITLE.

(H) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.