

SENATE BILL 107

C7

4lr0067

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Lottery and Gaming Control Agency)**

Requested: November 1, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 22, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Lottery – Retailer Licenses – Background Investigations**

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

14 BY adding to

15 Article – State Government

16 Section 9–112.1

17 Annotated Code of Maryland

18 (2009 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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Article – State Government2 **9–112.1.**

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

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

9 (C) THE DIRECTOR MAY REQUIRE ANY APPLICANT SEEKING A CHANGE
10 OF OWNERSHIP OR RENEWAL OF A LICENSE TO SUBMIT FINGERPRINTS TO THE
11 CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY
12 RECORDS CHECK.

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

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

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

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

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

28 (1) A COMPLETE SET OF THE APPLICANT’S LEGIBLE
29 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE
30 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
31 INVESTIGATION;

1 **(2) THE FEE AUTHORIZED IN § 10-221(B)(7) OF THE CRIMINAL**
2 **PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY**
3 **RECORDS; AND**

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

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

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

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

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

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

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

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

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