

HOUSE BILL 1237

E4

5lr0135

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: March 4, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Police and Correctional Training Commissions – Applicants – Criminal History**
3 **Records Checks**

4 FOR the purpose of requiring certain applicants for police officer certification to submit to
5 certain criminal history records checks; requiring certain applicants for correctional
6 officer certification to submit to certain criminal history records checks; requiring
7 certain applicants to submit certain fingerprints and certain fees to the Criminal
8 Justice Information System Central Repository of the Department of Public Safety
9 and Correctional Services under certain circumstances; requiring the Central
10 Repository to forward to certain commissions and certain applicants certain criminal
11 history record information; providing that certain information is confidential, may
12 not be disseminated, and may be used only for certain purposes; authorizing
13 certain individuals to contest the contents of certain statements issued by the
14 Central Repository under certain circumstances; and generally relating to police and
15 correctional training commissions.

16 BY renumbering

17 Article – Correctional Services

18 Section 8–209.1

19 to be Section 8–209.2

20 Annotated Code of Maryland

21 (2008 Replacement Volume and 2014 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Correctional Services

24 Section 8–209

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2014 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Correctional Services
 2 Section 8–209.1
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Public Safety
 7 Section 3–209
 8 Annotated Code of Maryland
 9 (2011 Replacement Volume and 2014 Supplement)

10 BY adding to
 11 Article – Public Safety
 12 Section 3–209.1
 13 Annotated Code of Maryland
 14 (2011 Replacement Volume and 2014 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 16 That Section(s) 8–209.1 of Article – Correctional Services be renumbered to be Section(s)
 17 8–209.2.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 19 as follows:

20 **Article – Correctional Services**

21 8–209.

22 (a) An individual may not be given or accept a probationary or permanent
 23 appointment as a correctional officer, correctional supervisor, or correctional administrator
 24 unless the individual satisfactorily meets minimum qualifications established by the
 25 Commission.

26 (b) A probationary appointment as a correctional officer, correctional supervisor,
 27 or correctional administrator may be made for no more than 1 year for the purpose of
 28 enabling the individual seeking permanent appointment to take a training course
 29 prescribed by the Commission.

30 (c) A probationary appointee is entitled to a leave of absence with pay during the
 31 period of the training program.

32 (d) The Commission shall [establish the minimum qualifications for probationary
 33 or permanent appointment as a Department of Juvenile Services employee] **CERTIFY A**
 34 **DEPARTMENT OF JUVENILE SERVICES EMPLOYEE AS A CORRECTIONAL OFFICER**
 35 **FOR PROBATIONARY OR PERMANENT APPOINTMENT IF THE EMPLOYEE:**

1 **(1) SATISFACTORILY MEETS THE STANDARDS OF THE COMMISSION;**
2 **AND**

3 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
4 **ACCORDANCE WITH § 8-209.1 OF THIS SUBTITLE.**

5 **8-209.1**

6 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
7 **INDICATED.**

8 **(2) “APPLICANT” MEANS AN INDIVIDUAL WHO IS SEEKING**
9 **CERTIFICATION AS A CORRECTIONAL OFFICER.**

10 **(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**
11 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**
12 **SAFETY AND CORRECTIONAL SERVICES.**

13 **(B) AN APPLICANT FOR CERTIFICATION AS A CORRECTIONAL OFFICER**
14 **SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL**
15 **CRIMINAL HISTORY RECORDS CHECK.**

16 **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**
17 **CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

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

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

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

26 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
27 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
28 **COMMISSION AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION.**

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

- 1 (1) SHALL BE CONFIDENTIAL;
- 2 (2) MAY NOT BE REDISSEMINATED; AND
- 3 (3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED
4 BY THIS TITLE.

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

9 (G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE
10 CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
11 RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE
12 COMMISSION A REVISED STATEMENT OF THE APPLICANT'S OR CERTIFIED
13 CORRECTIONAL OFFICER'S STATE CRIMINAL HISTORY RECORD.

14 Article – Public Safety

15 3-209.

16 (a) The Commission shall certify as a police officer each individual who:

17 (1) (I) satisfactorily meets the standards of the Commission; or

18 [(2)] (II) provides the Commission with sufficient evidence that the
19 individual has satisfactorily completed a training program in another state of equal quality
20 and content as required by the Commission; AND

21 (2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN
22 ACCORDANCE WITH § 3-209.1 OF THIS SUBTITLE.

23 (b) The Commission may certify as a police officer an individual who is not
24 considered a police officer under § 3-201(e)(3) of this subtitle if the individual meets the
25 selection and training standards of the Commission.

26 (c) Each certificate issued to a police officer under this subtitle remains the
27 property of the Commission.

28 3-209.1

29 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
30 INDICATED.

1 **(2) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING**
2 **CERTIFICATION AS A POLICE OFFICER.**

3 **(3) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE**
4 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**
5 **SAFETY AND CORRECTIONAL SERVICES.**

6 **(B) AN APPLICANT FOR CERTIFICATION AS A POLICE OFFICER SHALL APPLY**
7 **TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY**
8 **RECORDS CHECK.**

9 **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**
10 **CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

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

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

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

19 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
20 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
21 **COMMISSION AND THE APPLICANT A PRINTED STATEMENT OF THE APPLICANT'S**
22 **CRIMINAL HISTORY RECORD INFORMATION.**

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

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28 **BY THIS TITLE.**

29 **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
30 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**

1 THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
2 PROCEDURE ARTICLE.

3 (G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE
4 CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
5 RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE
6 COMMISSION A REVISED STATEMENT OF THE APPLICANT'S OR CERTIFIED POLICE
7 OFFICER'S STATE CRIMINAL HISTORY RECORD.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2015.