

Chapter 305

**(House Bill 1237)**

AN ACT concerning

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

FOR the purpose of requiring certain applicants for police officer certification to submit to certain criminal history records checks; requiring certain applicants for correctional officer certification or certification as a certain Department of Juvenile Services employee to submit to certain criminal history records checks; requiring certain applicants to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward to certain commissions and certain applicants certain criminal history record information; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest the contents of certain statements issued by the Central Repository under certain circumstances; and generally relating to police and correctional training commissions.

BY renumbering

Article – Correctional Services

Section 8–209.1

to be Section 8–209.2

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, ~~with~~ without amendments,

Article – Correctional Services

Section 8–209

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY adding to

Article – Correctional Services

Section 8–209.1

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–209

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

BY adding to

Article – Public Safety

Section 3–209.1

Annotated Code of Maryland

(2011 Replacement Volume and 2014 Supplement)

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

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

**Article – Correctional Services**

8–209.

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

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

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

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

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

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

8–209.1.

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

(2) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING CERTIFICATION AS:

(I) A CORRECTIONAL OFFICER; OR

(II) A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE, AS DEFINED IN § 8-201(H) OF THIS SUBTITLE.

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

(B) ~~AN APPLICANT FOR CERTIFICATION AS A CORRECTIONAL OFFICER UNDER THIS SECTION SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.~~

(C) AS PART OF THE APPLICATION FOR A 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 MARYLAND CRIMINAL HISTORY RECORDS; AND

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

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

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

(1) SHALL BE CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

**(3) MAY BE USED ONLY FOR THE LICENSING 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.**

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

### **Article – Public Safety**

3-209.

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

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

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

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

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

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

**3-209.1.**

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

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

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

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

**(C) AS PART OF THE APPLICATION FOR A 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 MARYLAND CRIMINAL HISTORY RECORDS; AND**

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

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

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

**(1) SHALL BE CONFIDENTIAL;**

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

**(3) MAY BE USED ONLY FOR THE LICENSING 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.**

**(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**

**RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE COMMISSION A REVISED STATEMENT OF THE APPLICANT'S OR CERTIFIED POLICE OFFICER'S STATE CRIMINAL HISTORY RECORD.**

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

**Approved by the Governor, May 12, 2015.**