

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 134

(Senator Nathan-Pulliam, *et al.*)

Education, Health, and Environmental Affairs

Health and Government Operations

State Board of Nursing – Criminal History Records Checks – Revised Statement

This bill clarifies that the Criminal Justice Information System Central Repository (CJIS-CR) must provide a revised printed statement of an individual's State criminal history record to the State Board of Nursing (BON) if criminal history record information (CHRI) is reported to CJIS-CR after the date of an initial criminal history records check (CHRC).

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: The bill is not anticipated to impact local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: BON must establish a “rap back” program, beginning January 1, 2015, through which CJIS-CR reports all new and additional CHRI to BON for an applicant who has been fingerprinted.

Background: CJIS-CR is established by the Criminal Procedure Article, §§ 10-213 *et seq.*, within the Department of Public Safety and Correctional Services to collect, manage, and disseminate Maryland CHRI for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

CJIS-CR is authorized by law to collect a fee for providing CHRI for purposes other than criminal justice. The Code of Maryland Regulations 12.15.01.15 sets the fee at \$18. An additional \$20 fingerprinting fee is also collected. The Federal Bureau of Investigation

(FBI) charges a fee of \$13.25 for a national CHRI check. Revenue from these fees is used to provide the service. CJIS-CR collects the fee from the applicant and reimburses the FBI. CJIS-CR submits requests for national criminal records to the FBI electronically.

Generally, if CHRI is reported to CJIS-CR after the initial CHRC, CJIS-CR must provide a revised statement of the individual's criminal history record to the appropriate entity. The cost of this State "rap back" program is included in the cost of the initial CJIS-CR fee.

Additional Information

Prior Introductions: None.

Cross File: HB 228 (Delegate Cullison) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

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