

SB0207/714631/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 207

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Benson, Carozza, Ellis, Hester, Patterson, and Pinsky”; in line 10, after “services;” insert “requiring a certain service provider to develop and implement a certain procedure to screen staff members who work with minors;”; in line 13, after “shelter;” insert “requiring a certain service provider to contact a certain individual or entity under certain circumstances; requiring a service provider to document certain efforts and communications;”; in line 18, after “regulations;” insert “requiring a certain service provider, for a certain staff member, to apply to the Central Repository for a certain criminal history records check in a certain manner or to request a private agency to conduct a certain background check in a certain manner; providing that certain information obtained from the Central Repository is confidential, may not be disseminated, and may be used only for certain purposes; authorizing a certain person to contest the contents of a certain statement or the findings of a certain private agency in a certain manner;”; and in line 22, strike “4-2707” and substitute “4-2708”.

AMENDMENT NO. 2

On page 2, in line 26, after “**(1)**” insert “**WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR LEGAL GUARDIAN; AND**

(2)”;

in lines 26 and 27, strike “**WHO IS NOT IN THE PHYSICAL CUSTODY OF A PARENT OR GUARDIAN AND**” and substitute “**(I) WHO**”; in line 27, after “**RESIDENCE**” insert “**AS DEFINED IN THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT**”; and in line 29, strike “**(2)**” and substitute “**(II)**”.

(Over)

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On page 3, in line 17, strike “AND”; and in line 18, before “OBTAIN” insert “DEVELOP AND IMPLEMENT A PROCEDURE TO SCREEN EACH STAFF MEMBER WHO WORKS WITH MINORS, INCLUDING THROUGH A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK OR A PRIVATE AGENCY BACKGROUND CHECK CONDUCTED IN ACCORDANCE WITH § 4-2708 OF THIS SUBTITLE; AND

(III)”.

On page 4, in line 4, strike “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A” and substitute “AFTER PROVIDING SHELTER TO AN UNACCOMPANIED MINOR IN NEED OF SHELTER, A”; in line 5, after “SHALL” insert “:

(1) (I) AS SOON AS POSSIBLE AND WITHIN 72 HOURS,”;

in line 6, strike “AN UNACCOMPANIED” and substitute “THE”; in lines 6 and 7, strike “IN NEED OF SHELTER AS SOON AS POSSIBLE AND WITHIN 72 HOURS AFTER PROVIDING SHELTER”; in line 7, before the period insert “; OR

(II) IF THE SERVICE PROVIDER SUSPECTS ABUSE OR NEGLECT BY THE PARENT, GUARDIAN, OR ADULT RELATIVE OF THE MINOR, IMMEDIATELY NOTIFY THE APPROPRIATE AUTHORITIES OF THE SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THE FAMILY LAW ARTICLE; AND

(2) IF THE SERVICE PROVIDER SUSPECTS ANY ABUSE OR NEGLECT OF THE UNACCOMPANIED MINOR IN NEED OF SHELTER, IMMEDIATELY NOTIFY THE APPROPRIATE AUTHORITIES OF THE SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 5-704 OF THE FAMILY LAW ARTICLE”;

and strike in their entirety lines 8 through 26, inclusive, and substitute:

“(B) (1) IF A SERVICE PROVIDER IS UNABLE TO CONTACT, AND DOES NOT SUSPECT ABUSE BY, A PARENT, A GUARDIAN, OR AN ADULT RELATIVE OF AN UNACCOMPANIED MINOR IN NEED OF SHELTER, THE SERVICE PROVIDER SHALL:

(I) NOTIFY THE MINOR OF THE REQUIREMENTS OF THIS SECTION; AND

(II) AFTER PROVIDING THE NOTICE REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH, CONTACT THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN TO DETERMINE IF THE MINOR HAS BEEN REPORTED MISSING BY A LEGAL GUARDIAN.

(2) IF A SERVICE PROVIDER RECEIVES INFORMATION INDICATING THAT AN UNACCOMPANIED MINOR IN NEED OF SHELTER IS MISSING FROM FOSTER CARE, THE SERVICE PROVIDER SHALL CONTACT THE LOCAL DEPARTMENT OF SOCIAL SERVICES.

(3) IF A SERVICE PROVIDER RECEIVES INFORMATION INDICATING THAT AN UNACCOMPANIED MINOR IN NEED OF SHELTER HAS BEEN REPORTED MISSING BY A LEGAL GUARDIAN OTHER THAN THE LOCAL DEPARTMENT OF SOCIAL SERVICES, THE SERVICE PROVIDER SHALL CONTACT LOCAL LAW ENFORCEMENT.

(C) A SERVICE PROVIDER SHALL DOCUMENT EFFORTS AND COMMUNICATIONS MADE UNDER SUBSECTION (B) OF THIS SECTION.”

AMENDMENT NO. 3

(Over)

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On page 4, strike line 28 in its entirety and substitute “A”; in line 30, strike “UNDER” and substitute “IN ACCORDANCE WITH”; in line 31, after “BASED” insert “SOLELY”; and in line 32, after “PROVIDER’S” insert “REASONABLE”.

On page 5, strike in their entirety lines 2 through 8, inclusive; after line 24, insert:

“(II) CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE;”;

in line 25, strike “(II)” and substitute “(III)”; in line 28, strike “OR”; after line 28, insert:

“(IV) CHILD NEGLECT UNDER § 3-602.1 OF THE CRIMINAL LAW ARTICLE OR AN OFFENSE UNDER THE LAWS OF ANOTHER STATE THAT WOULD CONSTITUTE NEGLECT UNDER § 3-602.1 OF THE CRIMINAL LAW ARTICLE IF COMMITTED IN THE STATE; OR”.

and in line 29, strike “(III)” and substitute “(V)”.

On page 6, strike beginning with “APPLY” in line 2 down through “MINORS.” in line 6 and substitute “PROVIDE TRAINING FOR EACH STAFF MEMBER WHO SERVES MINORS REGARDING MANDATORY REPORTING OF SUSPECTED ABUSE OR NEGLECT IN ACCORDANCE WITH § 4-2704 OF THIS SUBTITLE AND § 5-704 OF THE FAMILY LAW ARTICLE.

4-2708.

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

(B) FOR EACH STAFF MEMBER WHO WORKS WITH UNACCOMPANIED MINORS, A SERVICE PROVIDER SHALL:

(1) APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK; OR

(2) REQUEST A PRIVATE AGENCY TO CONDUCT A BACKGROUND CHECK.

(C) (1) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, THE SERVICE PROVIDER SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) ONE COMPLETE SET OF LEGIBLE FINGERPRINTS OF THE STAFF MEMBER TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

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

(2) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE SERVICE PROVIDER AND THE STAFF MEMBER THE CRIMINAL HISTORY RECORD INFORMATION OF THE STAFF MEMBER.

(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
AND

(II) MAY BE USED ONLY FOR THE SCREENING PURPOSES AUTHORIZED BY THIS SUBTITLE.

(4) A PERSON WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(D) IF A SERVICE PROVIDER REQUESTS A PRIVATE AGENCY TO CONDUCT A BACKGROUND CHECK:

(1) THE PRIVATE AGENCY SHALL:

(I) CONDUCT A BACKGROUND CHECK IN EACH STATE WHERE THE SERVICE PROVIDER KNOWS OR HAS REASON TO BELIEVE THE STAFF MEMBER WORKED OR RESIDED DURING THE PAST 7 YEARS; AND

(II) ISSUE A STATEMENT OF THE PRIVATE AGENCY'S

FINDINGS TO:

1. ON REQUEST, THE STAFF MEMBER; AND

2. THE SERVICE PROVIDER; AND

(2) THE STAFF MEMBER SHALL HAVE AN OPPORTUNITY TO CONTEST THE FINDINGS OF THE PRIVATE AGENCY.”;

and in line 8, strike “October” and substitute “July”.