

Department of Legislative Services  
 Maryland General Assembly  
 2022 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

Senate Bill 817

(Senator Jackson)

Judicial Proceedings

Judiciary

Criminal History Records Checks - Youth Camps and Youth Development  
 Organizations and Programs

This bill authorizes the operator of a youth camp or youth development organization or program, before making a formal offer of employment to a job applicant, to *request* from the Maryland Department of Health (MDH) a determination as to whether the results of a federal criminal history records check (CHRC) would be the basis for prohibiting the hiring of the applicant. On receipt of a request, MDH must *issue* a written determination to the youth camp or youth development organization or program as to whether the results of a federal CHRC would be the basis for prohibiting the hiring of the applicant. A determination issued by MDH is binding on MDH and the youth camp or youth development organization or program unless the applicant has subsequently been convicted of a crime, has pending criminal charges, or has previously undisclosed criminal convictions. MDH may set a reasonable fee to cover the cost of a CHRC under the bill.

Fiscal Summary

**State Effect:** General fund expenditures for MDH increase by an estimated \$127,100 in FY 2023, as discussed below. Future years reflect annualization, elimination of one-time costs, and inflation. General fund revenues for MDH increase beginning in FY 2023 to the extent costs are recuperated, at least in part, through fees.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
GF Revenue	-	-	-	-	-
GF Expenditure	\$127,100	\$135,000	\$139,200	\$143,500	\$148,000
Net Effect	(-)	(-)	(-)	(-)	(-)

Note: ( ) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

**Local Effect:** None.

**Small Business Effect:** Minimal.

## Analysis

**Bill Summary:** “Youth development organization or program,” as defined under the bill, means an organization or a program that provides activities for minors.

**Current Law:** MDH is responsible for monitoring, inspecting, and certifying youth camps in the State. “Youth camp” means any day camp, residential camp, travel camp, or trip camp that (1) accommodates at least seven campers who are unrelated to the person operating the camp; (2) provides primarily recreational activities or has a substantial outdoor recreational component; (3) has permanent buildings, temporary buildings, or no buildings; and (4) operates on owned or leased private property or facilities or public property or facilities.

State regulations require that a youth camp personnel administrator ensure that a completed national and State CHRC through the Department of Public Safety and Correctional Services (DPSCS) and a Child Protective Services background clearance is on file with the employer. A youth camp operator may not employ an individual who, as reported on or after October 1, 2005, has received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of specified crimes and offenses, including (1) a crime involving a child, cruelty to animals, domestic violence, or a weapon or firearm violation; (2) a sex offense; (3) a violent crime classified as a felony; (4) abduction or kidnapping; (5) abuse of a child or an adult; (6) confinement of an unattended child; (7) manufacturing, distributing, or dispensing a controlled dangerous substance (CDS), or possession with intent to manufacture, distribute, or dispense a CDS; (8) perjury; (9) pornography; or (10) reckless endangerment.

If, as reported on or after October 1, 2005, an individual has been identified as responsible for child abuse or neglect or received a conviction, a probation before judgment disposition, a not criminally responsible disposition, or a pending charge for the commission or attempted commission of a crime or offense that is not specified above, the operator must assess, on the basis of specified factors, the individual’s suitability for employment. Specifically, the operator must consider:

- the job position at the camp for which the individual is applying or for which the individual is currently employed;
- the nature and seriousness of the incident, crime, or offense;
- the period of time that has elapsed since the incident, crime, or offense, and the age of the individual at the time the incident, crime, or offense occurred;
- the individual’s probation or parole status; and
- any other information that the camp considers pertinent.

Depending on the results of the assessment, the youth camp operator must permit or prohibit the employment of the individual.

**State Fiscal Effect:** State and national CHRCs for employment and licensing purposes are provided through the Criminal Justice Information System (CJIS) Central Repository within DPSCS. CJIS submits requests for national criminal records to the Federal Bureau of Investigation (FBI) and collects, on behalf of the FBI, the fee established by the FBI for national CHRCs. DPSCS recently determined that CJIS had disseminated federal criminal history record information (CHRI) in a manner that conflicts with current federal laws and regulations restricting the dissemination of federal CHRI to nongovernmental agencies. Thus, the bill requires MDH to receive and vet federal CHRCs for youth camps and youth development organizations and programs.

While it is unknown how many CHRCs MDH will be responsible for handling as a result of the bill, MDH estimates that approximately 18,000 camp staff are hired each year in the State. Thus, it is assumed that, under the bill, MDH must handle CHRCs for *at least* 18,000 applicants annually. (As discussed above, existing State regulations require that youth camps have CHRCs on file for their employees.) MDH advises that a regular administrator is needed in order to oversee the CHRC process, and temporary contractual staff are likely needed during each summer camp season (March through August) to assist the department in vetting federal CHRCs for youth camp employment applicants.

Thus, general fund expenditures for MDH increase by \$127,126 in fiscal 2023, which accounts for the bill's October 1, 2022 effective date. This estimate reflects the cost of hiring (1) one regular, part-time administrator to oversee the CHRC process for youth camps and youth development organizations and programs and (2) five temporary contractual staff for four months the first fiscal year (but six months annually thereafter) to assist MDH in vetting CHRCs. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. To the extent that MDH requires additional staff support in order to handle the bill's requirements, general fund expenditures increase further.

Regular Position	0.5
Contractual Positions	5.0
Regular Salary and Fringe Benefits	\$33,010
Contractual Salaries and Fringe Benefits	61,470
Operating Expenses	<u>32,646</u>
<b>Total FY 2023 State Expenditures</b>	<b>\$127,126</b>

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act. Future year expenditures reflect full salaries with

annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The bill authorizes MDH to set a reasonable fee to cover the cost of a CHRC required under the bill. Thus, beginning in fiscal 2023, general fund revenues for MDH increase to the extent that the department recuperates costs incurred under the bill by establishing and collecting a processing fee.

---

### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Association of County Health Officers; Maryland Commission on Civil Rights; Department of Budget and Management; Maryland Department of the Environment; Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2022  
js/mcr Third Reader - April 11, 2022  
Revised - Amendment(s) - April 11, 2022  
Revised - Updated Information - April 11, 2022

---

Analysis by: Elizabeth J. Allison

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510