



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 21, 2023

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 708 – Public Health - Youth Camps, Development Organizations, and Programs - Criminal History Records Checks

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information for Senate Bill (SB) 708 – Public Health - Youth Camps, Development Organizations, and Programs - Criminal History Records Checks. SB 708 authorizes MDH to receive federal criminal history record checks on behalf of youth camps licensed by MDH. SB 708 also removes references to youth development organizations from the section of statute pertaining to youth camp criminal history record checks.

SB 708 was introduced at the request of MDH to resolve two statutory conflicts that threaten the operation of Maryland's more than 1,000 regulated youth camps, which serve an essential role to families across the state. MDH strongly supports this legislation and urges a favorable report.

Youth camps in Maryland are required to review national and State criminal history record checks for any of their staff who work with children. Prior to and through the 2021 season, youth camps applied directly to the Maryland Department of Public Safety and Correctional Services (DPSCS) Criminal Justice Information System (CJIS) to receive both the State and federal criminal history record checks on their staff. MDH received only the criminal history check results on the personnel administrator for each camp. Once approved by MDH, the personnel administrator would review all the youth camp's personnel's criminal history record checks.

DPSCS recently informed MDH that federal criminal history record information cannot be provided directly to youth camps, but must be sent directly to the licensing authority and not re-disseminated. Furthermore, MDH must have specific statutory authority, as the licensing agency, to receive this information in Health-General, in accordance with the provisions of 34 U.S.C.A. §40316. SB 708 adds statutory language to Health-General §14-403 that will enable MDH to receive federal criminal history record information on youth camp staff.

A second statutory conflict occurred with the passage of SB 817 in 2022, which requires MDH to receive federal criminal history record checks for "youth development organizations." These

organizations are not licensed or regulated by MDH, which creates a conflict because of the requirement (per 34 U.S.C.A. §40316) that the criminal history background checks must go to the government licensing entity for youth development organizations. Therefore, SB 708 removes the references to youth development organizations.

MDH notes that as federal criminal history record information can no longer be directly provided to and reviewed by youth camps, this responsibility will fall to MDH. MDH is prepared to address this additional duty and will identify appropriate staffing needs. Additionally, MDH will continue to work with DPSCS to evaluate long-term strategies to lower the overall cost and administrative burden.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott, M.D., M.P.H.
Secretary