



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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**BILL:** HOUSE BILL 1300

**POSITION:** SUPPORT

**EXPLANATION:** This bill alters provisions in the Family Law Article for the dissemination of national and State background checks for individuals who care for or supervise children.

#### COMMENTS:

- The Department of Public Safety and Correctional Services is the repository for the Criminal Justice Information System that houses criminal history record information.
- The Federal Bureau of Investigation (FBI) Office of General Council (OGC) Criminal Justice Information Law Unit (CJILU), in coordination with the FBI Compact Office staff, advised the Department that it no longer met the requirements of the federal Public Law (Pub. L.) 92-544 for access to FBI criminal history record information (CHRI) as the result of changes to the Maryland Family Law Article.
- Maryland Family Law Article §§ 5-550 through 5-558 were previously authorized as §§ 5-560 through 5-568 and permitted an authorized agency to conduct a fingerprint-based state and national criminal history record check.
- Maryland Family Law Article § 5-559 was approved in 2008 pursuant to Pub.L. 92-544 and the Rule. As a result of the renumbering and other language changes, the State no longer met the requirements of the Rule.
- The Department has worked with the FBI CJILU/OGC since receiving notification over three years ago to bring the language into compliance. During this time, Maryland was reverted from a permanent authorized user to a temporary authorized user while working to amend the language in the Family Law Article.

- The CJILU approved the language in October 2022 and the Department submitted the change for the 2023 Session of the Maryland General Assembly.
- If this language change is not made during this legislative Session, the Department will not be able to conduct national fingerprint checks as its status as a temporary authorized user will not be extended.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee vote **FAVORABLE** on House Bill 1300.