



DEPARTMENT OF HEALTH

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

April 5, 2023

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401-1991

RE: SB 708 – Public Health - Youth Camps, Development Organizations, and Programs - Criminal History Records Checks - Letter of Support with Amendments

Dear Chair Clippinger and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments 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 pose a risk to the operation of Maryland's more than 1,000 regulated youth camps, which serve an essential role to families across the state. Specifically, 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.

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 this statutory language to Health-General.

MDH appreciates the concerns youth camp operators voiced during the Senate bill hearing about being able to receive a timely determination of employment suitability. These concerns resulted in an amendment that would require a notification by MDH to the youth camp within 3 business days. MDH respectfully requests an amendment to extend the notification period from 3 business days to 5 business days. MDH also notes that a small number of records checks may require additional follow up, including obtaining records from local courts, which may delay the issuance

of a final determination. In these situations, MDH would notify the employer that additional time is required.

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 that the criminal history background checks must go to the government licensing entity. Therefore, SB 708 removes the references to these organizations.

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,



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

AMENDMENT TO SENATE BILL 708
(Third Reading File Bill)

On page 3, in line 28, strike “**3**” and substitute “**5**”.