

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/13/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

12 15 01 19

12 15 06 01 - .04

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator Telephone Number
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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: March 27, 2014.

**Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
REPOSITORY**

12.15.01 Implementation of the Criminal Justice Information System

**Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
REPOSITORY**

**12.15.06 Federal Bureau of Investigation, Next Generation Identification Rap Back
Program**

Authority: Criminal Procedure Article, §10-221; Courts and Judicial Proceedings Article,
§3-8A-27; Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Public Safety and Correctional Services proposes to amend Regulations .15 and .19 under COMAR 12.15.01 - Implementation of the Criminal Justice Information Statute and add Regulations .01 - .04 under new COMAR 12.15.06 – Federal Bureau of Investigation, Next Generation Identification Rap Back Program.

Statement of Purpose

The purpose of this action is to update the fee schedule to reflect a \$13 pass through fee collected by the Central Repository for enrolling a non-criminal justice government agency in the Federal Bureau of Investigation's Rap Back Program and to include specific language explaining responsibilities of the Central Repository and non-criminal justice government agency program enrollment.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Robyn Lyles, Director, Policy Management, Information Technology and Communications Division, 6776 Reisterstown Road, Baltimore, MD 21215, or call 410 585 3100, or email to , or fax to . Comments will be accepted through 30 days after publishing. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2015
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
Yes
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
General
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:

The fee will not result in additional revenue or expenditures for the Central Repository as it was established to offset costs associated with providing FBI Rap Back Program services. Program enrollment is voluntary.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations affect non-criminal justice government agencies only.

G. Small Business Worksheet:

Attached Document:

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY

Chapter 01 Implementation of the Criminal Justice Information System Statute

Authority: Criminal Procedure Article, §10-221; Courts and Judicial Proceedings Article, §3-8A-27; Annotated Code of Maryland

.15 Fees — CHRI Checks for Noncriminal Justice Purposes.

A. — D. (text unchanged)

E. The following chart contains the fees collected by Central Repository for a noncriminal justice CHRI check:

CHRI CHECK	FEE COLLECTED FOR	AMOUNT
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CHRI Check-State only- for: Adoption (Add \$1 if gold seal) Adult dependent care Attorney/client-civil action Government employment/non-criminal justice Government licensing or certification Immigration/visa (Add \$1 if gold seal) Individual review MSP licensing or certification Private party petition Public housing	CHRI access fee Fingerprinting service fee (Only if The Central Repository collects demographic data and performs fingerprinting for the applicant)	\$18 \$20
Full background-State and FBI CHRI check-for: Child care (FLA) (minus \$8 if volunteer) Government employment Government licensing or certification	CHRI access fee Fingerprinting service fee (Only if The Central Repository collects demographic data and performs fingerprinting for the applicant) FBI fee (\$14.50 plus \$2 processing fee)	\$18 \$20 \$16.50
<i>FBI Rap Back Program</i>	<i>FBI Processing Fee</i>	<i>\$13</i>
HAZ MAT endorsement on CDL (COMAR 12.15.04)	Threat assessment processing fee CHRI access fee Fingerprinting service fee (Only if The Central Repository collects demographic data and performs fingerprinting for the applicant) FBI fee (\$14.50 plus \$2 processing fee) Threat assessment fee	\$2 \$18 \$20 \$16.50 \$34

Criminal justice
(employment or
investigation)
Attorney/client-criminal
proceeding
(case number must be
provided)
Individual challenge
F. — G. (text unchanged)

.19 Issuance of a Revised Printed Statement (State Rap Back Program).

A. — B. (text unchanged)
[C. The Central Repository shall distribute CHRI in accordance with FBI Rap Back service and federal regulations.
D. Except when prohibited by law, the Central Repository may charge a fee for providing the Rap Back Program service.]

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 15 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY

Authority: Criminal Procedure Article, §10-221, Annotated Code of Maryland

Chapter 06 Federal Bureau of Investigation, Next Generation Identification Rap Back Program

.01 Purpose.

This chapter establishes procedures for participation in the Federal Bureau of Investigation (FBI), Next Generation Identification Rap Back Program.

.02 Definitions

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Criminal History Records Check" has the meaning stated in COMAR 12.15.01.03(6).

(2) "Criminal History Record Information (CHRI)" has the meaning stated in Criminal Procedure Article, §10-201, Annotated Code of Maryland.

(3) "Federal Bureau of Investigation, Next Generation Identification Rap Back Program (FBI Rap Back Program)" means the federal service that informs an authorized non-criminal justice government agency of subsequent criminal history record information for an employee or licensee during a specified term.

(4) "Non-criminal justice government agency" means a government agency that is not a criminal justice agency defined under Criminal Procedure Article, §10-201(d), Annotated Code of Maryland, and receives CHRI for licensing and employment purposes.

.03 Submitting Fingerprints to the FBI Rap Back Program.

A. The Central Repository is responsible for submitting all fingerprints to the FBI Rap Back Program.

B. The Central Repository shall:

(1) Submit the fingerprints of employees or licensees of authorized non-criminal justice government agency to the FBI; and

(2) Retain the fingerprints of an employee or licensee of authorized non-criminal justice government agencies for future submission to the FBI Rap Back program or for national fingerprint searches.

.04 Issuance of a Revised Printed Statement.

A. If a non-criminal justice government agency is authorized by State statute to receive federal criminal history records information, the Central Repository shall:

(1) Enroll the non-criminal justice government agency in the FBI Rap Back Program;

(2) Maintain a record of each previously processed individual employed or licensed by the non-criminal justice government agency; and

(3) Distribute CHRI in accordance with FBI Rap Back program and federal regulations.

B. Pre-Notification of CHRI Release.

(1) The Central Repository shall electronically notify a non-criminal justice government agency enrolled in the FBI Rap Back Program of the availability of subsequent CHRI for an employee or a licensee.

(2) A non-criminal justice government agency notified under §B(1) of this regulation shall electronically respond to the Central Repository within 3 business days of receipt of notification from the Central Repository:

(a) Confirming that the individual is currently an employee or a licensee and the CHRI should be released to the non-criminal government agency; or

(b) Advising that the individual is no longer an employee or a licensee and the individual should be removed from the non-criminal justice government agency FBI Rap Back Program service.

C. Annual Review of Previously Processed Individuals.

(1) At least annually the Central Repository shall prepare and distribute a list of previously processed individuals to each non-criminal justice government agency enrolled in the FBI Rap Back Program.

(2) From the list of previously processed individuals required under §C(1) of this regulation, the non-criminal justice government agency shall:

(a) Delete an individual who no longer works for and may not resume work for the non-criminal justice government agency; or

(b) Delete an individual who is no longer licensed by the non-criminal justice government agency.

(3) The non-criminal justice government agency shall return the adjusted list required under §C(2) of this regulation to the Central Repository within 15 working days of receipt.

(4) The Central Repository shall cease sending revised printed statements when notified that the previously processed individual has been deleted from the annually prepared list.

D. Except when prohibited by law, the Central Repository may charge a fee for providing the Rap Back Program service.