

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/05/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/18/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

12 04 01 05

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator Telephone Number
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Title 12
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING COMMISSION

12.04.01 General Regulations

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208(a);
Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Public Safety and Correctional Services proposes to , in cooperation with the Police Training Commission proposes to amend Regulation .05 under COMAR 12.04.01 — General Regulations.

This action was considered by the Police Training Commission at a public meeting on January 6, 2016.

Statement of Purpose

The purpose of this action is to update Police Training Commission regulations to conform with requirements of Public Safety Article, § 3-209.1, Annotated Code of Maryland and federal regulations (28 CFR Part 20 – Criminal Justice Information Systems), concerning procedures for fingerprinting and obtaining a criminal history records information on a police officer applicant.

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 Albert L. Liebno, Deputy Director, Police and Correctional Training Commissions, Department of Public Safety and Correctional Services, 6852 4th

Street Sykesville, MD 21784, or call 410 875 3602, or email to alliebno@dpscs.stat.md.us, or fax to 410 875 3500. Comments will be accepted through April 17, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Police Training Commission during a public meeting to be held on to be announced, at to be announced.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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:
This is an administrative change to Commission police officer application requirements to reflect current practice.

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 State and local government only.

G. Small Business Worksheet:

Attached Document:

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 04 POLICE TRAINING COMMISSION

Chapter 01 General Regulations

Authority: Correctional Services Article, §2-109; Public Safety Article, §3-208(a); Annotated Code of Maryland

.05 Background Investigation and Criminal History.

A. (text unchanged)

B. Criminal Record Checks and Fingerprints.

(1) [An agency hiring an applicant shall fingerprint an applicant and submit the fingerprints to the appropriate local, State, and national agencies for a search of criminal records.] *An agency head submitting an AFC for an applicant to be certified as a police officer shall require that the applicant:*

(a) Be fingerprinted; and

(b) Apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a State and national criminal history records check.

(2) [An agency head may conduct a criminal record check through the National Crime Information Center (NCIC) files instead of a local fingerprint check] *An applicant applying for a criminal history records check under this section shall request the results of the criminal history records check be provided to the:*

(a) Applicant;

(b) Commission; and

(c) Agency submitting the AFC for the applicant.

[(3) An agency hiring the applicant shall maintain records with the results of a record check and report the results on the AFC].

[(4)] (3) *Record of Criminal Conviction.* — If the results of the [NCIC check or the local, State, or national fingerprint] *criminal history records* check reveal that an applicant has been convicted or otherwise found guilty of a felony, or a misdemeanor for which a sentence of imprisonment for 1 year or more could have been imposed, the [agency head shall provide the] Commission [with] *shall include* available information concerning the conviction with [the] *Commission records related to the applicant's AFC.*

(4) *The Commission shall notify the applicant that the applicant may contest the contents of the criminal history records check in accordance with Criminal Procedures Article, Title 10, Annotated Code of Maryland.*

(5) The Commission may refuse to certify an applicant based on [derogatory] *supplemental* information [developed as part of] *resulting from* the criminal [record] *history records* check *or other verified reliable source.*

Stephen T. Moyer

Secretary

Department of Public Safety and Correctional Services