

HOUSE BILL 1254

F5, O4

4r2453
CF 4r3257

By: **Delegate Wells**

Introduced and read first time: February 8, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **Child Care Providers – Criminal History Records Checks and Abuse and Neglect**
3 **Clearances – Requirements**

4 FOR the purpose of requiring certain individuals to submit to a criminal history records
5 check before the individual is authorized to have a position involving direct contact
6 with children in a licensed child care center, registered family child care home, or
7 registered large family child care home, subject to the availability of existing
8 resources within certain State agencies; requiring the State Department of
9 Education to establish a dedicated unit to process certain criminal history records
10 checks, subject to the availability of existing resources within the State Department
11 of Education; requiring the Department of Human Services to provide notice of child
12 abuse and neglect clearance for employees at child care centers at certain times, in
13 a certain manner, and under certain circumstances, subject to the availability of
14 existing resources within the Department of Human Services; and generally relating
15 to criminal history records checks and child abuse and neglect clearances and child
16 care providers.

17 BY adding to
18 Article – Education
19 Section 9.5–117 and 9.5–118
20 Annotated Code of Maryland
21 (2022 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 9.5–414
2 Annotated Code of Maryland
3 (2022 Replacement Volume and 2023 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That the Laws of Maryland read as follows:

6 **Article – Education**

7 **9.5–117.**

8 **(A) THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO THE**
9 **AVAILABILITY OF EXISTING RESOURCES WITHIN THE DEPARTMENT.**

10 ~~(A)~~ **(B) A PROSPECTIVE EMPLOYEE OR VOLUNTEER OR AN ADDITIONAL**
11 **ADULT WHO WILL HAVE A POSITION INVOLVING DIRECT CONTACT WITH CHILDREN**
12 **AT A LICENSED CHILD CARE CENTER, REGISTERED FAMILY CHILD CARE HOME, OR**
13 **REGISTERED LARGE FAMILY CHILD CARE HOME SHALL SUBMIT TO A CRIMINAL**
14 **HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9.5–118 OF THIS SUBTITLE.**

15 ~~(B)~~ **(C) (1) (I) THE DEPARTMENT SHALL ESTABLISH A UNIT WITHIN**
16 **THE DEPARTMENT FOR THE DEDICATED PURPOSE OF PROCESSING AND MANAGING**
17 **INFORMATION ABOUT CRIMINAL HISTORY RECORDS CHECKS FOR INDIVIDUALS**
18 **PROVIDING CHILD CARE SERVICES.**

19 **(II) THE PROGRAM MAY BE STAFFED BY CREDENTIALING**
20 **SPECIALISTS IN THE REGIONAL CHILD CARE LICENSING OFFICES THROUGHOUT THE**
21 **STATE.**

22 **(2) THE UNIT SHALL NOTIFY AN INDIVIDUAL WHO HAS SUBMITTED AN**
23 **APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK:**

24 **(I) WITHIN 10 DAYS OF SUBMISSION OF RECEIPT AND STATUS**
25 **OF THE APPLICATION; AND**

26 **(II) ~~WITHIN~~ SUBJECT TO RECEIPT OF CRIMINAL HISTORY**
27 **RECORDS INFORMATION FROM THE CENTRAL REPOSITORY UNDER § 9.5–118 OF**
28 **THIS SUBTITLE, WITHIN 45 DAYS OF SUBMISSION, THE APPLICANT’S ELIGIBILITY TO**
29 **PROVIDE CHILD CARE SERVICES IN A LICENSED OR REGISTERED CHILD CARE**
30 **PROGRAM.**

31 ~~(C)~~ **(D) (1) A CRIMINAL HISTORY RECORDS CHECK OF AN INDIVIDUAL**
32 **APPROVED TO PROVIDE CHILD CARE SERVICES SHALL REMAIN VALID FOR 5 YEARS.**

1 **(2) (I) THE UNIT SHALL MAINTAIN A LIST OF INDIVIDUALS WHO**
2 **HAVE SUBMITTED CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH**
3 **THIS SECTION.**

4 **(II) THE UNIT MAY SHARE THE NAME AND STATUS OF AN**
5 **INDIVIDUAL ON THE LIST WITH:**

6 **1. A LICENSED CHILD CARE CENTER, REGISTERED**
7 **FAMILY CHILD CARE HOME, OR REGISTERED LARGE FAMILY CHILD CARE HOME AT**
8 **WHICH THE INDIVIDUAL SEEKS TO VOLUNTEER OR BE EMPLOYED; AND**

9 **2. THE INDIVIDUAL.**

10 **(3) THE UNIT SHALL, ON REQUEST BY AN INDIVIDUAL OR CHILD CARE**
11 **PROVIDER, PROVIDE WRITTEN NOTICE TO A LICENSED CHILD CARE CENTER,**
12 **REGISTERED FAMILY CHILD CARE HOME, OR REGISTERED LARGE FAMILY CHILD**
13 **CARE HOME THAT AN INDIVIDUAL WHO SEEKS TO BE EMPLOYED BY OR VOLUNTEER**
14 **WITH THE CHILD CARE PROVIDER HAS A VALID CRIMINAL HISTORY RECORDS CHECK**
15 **ON FILE WITH THE DEPARTMENT.**

16 **9.5-118.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(2) (I) “APPLICANT” MEANS AN INDIVIDUAL WHO IS APPLYING FOR**
20 **A POSITION INVOLVING DIRECT CONTACT WITH CHILDREN IN A LICENSED CHILD**
21 **CARE CENTER, REGISTERED FAMILY CHILD CARE HOME, OR REGISTERED LARGE**
22 **FAMILY CHILD CARE HOME.**

23 **(II) “APPLICANT” INCLUDES A VOLUNTEER OR AN ADDITIONAL**
24 **ADULT WHO ASSISTS A CHILD CARE PROVIDER IN CARING FOR CHILDREN IN A**
25 **FAMILY CHILD CARE HOME OR A LARGE FAMILY CHILD CARE HOME.**

26 **(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**
27 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**
28 **SAFETY AND CORRECTIONAL SERVICES.**

29 **(B) THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO THE**
30 **AVAILABILITY OF EXISTING RESOURCES WITHIN THE CENTRAL REPOSITORY.**

31 ~~**(B)**~~ **(C) AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR**
32 **A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

1 ~~(C)~~ **(D)** AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
2 RECORDS CHECK, AN INDIVIDUAL SHALL COMPLETE AND SUBMIT TO THE CENTRAL
3 REPOSITORY:

4 **(1)** A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT
5 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR
6 OF THE FEDERAL BUREAU OF INVESTIGATION;

7 **(2)** THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
8 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;
9 AND

10 **(3)** THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL
11 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

12 ~~(D)~~ **(E)** IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE
13 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO
14 THE INDIVIDUAL AND THE UNIT IN THE STATE DEPARTMENT OF EDUCATION THE
15 INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.

16 ~~(E)~~ **(F)** INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
17 UNDER THIS SECTION:

18 **(1)** IS CONFIDENTIAL;

19 **(2)** MAY NOT BE REDISSEMINATED; AND

20 **(3)** MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS
21 TITLE.

22 ~~(F)~~ **(G)** THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
23 THIS SECTION MAY CONTEST THE CONTENTS OF THE CRIMINAL HISTORY RECORD
24 INFORMATION ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF
25 THE CRIMINAL PROCEDURE ARTICLE.

26 9.5-414.

27 (a) **(1)** Each employee, as defined in § 5-550 of the Family Law Article, of a
28 child care center that is required to be licensed or to hold a letter of compliance under this
29 subtitle shall apply to the Department of Human Services, on or before the first day of
30 actual employment, for a child abuse and neglect clearance.

31 **(2)** THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE
32 EMPLOYEE:

1 **(I) WITHIN 10 DAYS OF SUBMISSION OF RECEIPT AND STATUS**
2 **OF THE APPLICATION; AND**

3 **(II) WITHIN 45 DAYS OF SUBMISSION WHETHER THE EMPLOYEE**
4 **RECEIVED CHILD ABUSE AND NEGLECT CLEARANCE.**

5 **(3) A CHILD ABUSE AND NEGLECT CLEARANCE OF AN EMPLOYEE**
6 **SHALL REMAIN VALID FOR 5 YEARS.**

7 **(4) (I) THE DEPARTMENT OF HUMAN SERVICES SHALL MAINTAIN**
8 **A LIST OF EMPLOYEES WHO HAVE APPLIED FOR CHILD ABUSE AND NEGLECT**
9 **CLEARANCES.**

10 **(II) THE DEPARTMENT MAY SHARE THE NAME AND STATUS OF**
11 **AN APPLICANT WITH:**

12 **1. A CHILD CARE CENTER FROM WHICH THE INDIVIDUAL**
13 **SEEKS EMPLOYMENT; AND**

14 **2. THE APPLICANT.**

15 **(5) THE DEPARTMENT OF HUMAN SERVICES SHALL, ON REQUEST BY**
16 **AN INDIVIDUAL OR A CHILD CARE CENTER, PROVIDE WRITTEN NOTICE TO A CHILD**
17 **CARE CENTER FOR WHICH AN INDIVIDUAL SEEKS EMPLOYMENT THAT THE**
18 **INDIVIDUAL HAS RECEIVED A CHILD ABUSE AND NEGLECT CLEARANCE.**

19 **(6) THE REQUIREMENTS OF PARAGRAPHS (2), (4), AND (5) OF THIS**
20 **SUBSECTION ARE SUBJECT TO THE AVAILABILITY OF EXISTING RESOURCES WITHIN**
21 **THE DEPARTMENT OF HUMAN SERVICES.**

22 (b) The Department may prohibit the operator of a child care center that is
23 required to be licensed or to hold a letter of compliance under this subtitle from employing
24 an individual who:

25 (1) Has received a conviction, a probation before judgment disposition, a
26 not criminally responsible disposition, or a pending charge for any crime or attempted crime
27 enumerated in the regulations adopted by the Department of Public Safety and
28 Correctional Services under Title 5, Subtitle 5, Part V of the Family Law Article; or

29 (2) Has been identified as responsible for child abuse or neglect.

30 (c) The operator of a child care center that is required to be licensed or to hold a
31 letter of compliance under this subtitle shall immediately notify the Department of a
32 criminal history records check of an employee that reports a conviction, a probation before
33 judgment disposition, a not criminally responsible disposition, or a pending charge for any

1 crime or attempted crime enumerated in the regulations adopted by the Department of
2 Public Safety and Correctional Services under Title 5, Subtitle 5, Part V of the Family Law
3 Article.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.