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1997 Regular Session  
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**By: Chairman, Economic and Environmental Affairs Committee (Departmental - Labor, Licensing and Regulation)**

Introduced and read first time: January 27, 1997

Rule 32(e) suspended

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Secondhand Precious Metal Object Dealers and Pawnbrokers - License and Background**  
3 **Check**

4 FOR the purpose of requiring applicants for a license to act as a secondhand precious  
5 metal object dealer or pawnbroker or an employee of an applicant or licensee to  
6 apply for a national and State criminal history records check and to pay the fees for  
7 these background checks; requiring the Criminal Justice Information System of the  
8 Department of Public Safety and Correctional Services to mail acknowledgements  
9 of the receipt of applications for a criminal history records check and provide  
10 updates of an initial criminal history records check to the Secretary of the  
11 Department of Labor, Licensing, and Regulation; amending the fees for an original  
12 license and renewal license; ensuring that criminal history information obtained and  
13 disseminated is subject to certain provisions of law; and generally relating to  
14 criminal history background checks for secondhand precious metal object dealers  
15 and pawnbrokers and their employees.

16 BY repealing and reenacting, with amendments,  
17 Article - Business Regulation  
18 Section 12-202(a)(1), 12-203, 12-204, and 12-207(c)  
19 Annotated Code of Maryland  
20 (1992 Volume and 1996 Supplement)

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

23 **Article - Business Regulation**

24 12-202.

25 (a) (1) An applicant for a license shall:

26 (i) submit to the Secretary an application on the form that the  
27 Secretary provides; and

28 (ii) pay to the Secretary an application fee of [\$300] \$275.

2

1 12-203.

2 [(a) An applicant for a license shall pay to the Secretary a fee of \$25 for each  
3 employee of the applicant.

4 (b)] A dealer shall [pay] SUBMIT to the Secretary [a fee of \$25 for], ON THE  
5 FORM THAT THE SECRETARY PROVIDES, THE NAME OF each employee when the  
6 employee is initially employed[, but need not pay the fee on renewal of the license].

7 12-204.

8 (a) In this section, "Central Repository" means the Criminal Justice Information  
9 System Central Repository of the Department of Public Safety and Correctional Services.

10 (b) [(1) The Secretary shall request from the Central Repository a federal and  
11 State criminal history records check of each applicant for a license and each employee of  
12 the applicant.

13 (2) The Secretary shall send to the Central Repository:

14 (i) the request form specified by the Central Repository;

15 (ii) the mandatory processing fee required by the Federal Bureau of  
16 Investigation for a federal criminal history records check;

17 (iii) the fee authorized under Article 27, § 746(b)(8) of the Code for  
18 access to Maryland criminal history records; and

19 (iv) a complete set of fingerprints of the applicant and each  
20 employee.] INDIVIDUALS SEEKING LICENSURE UNDER § 12-201 OF THIS SUBTITLE  
21 AND EMPLOYEES REQUIRING NOTIFICATION UNDER § 12-203 OF THIS SUBTITLE  
22 SHALL APPLY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK TO  
23 THE CENTRAL REPOSITORY ON A FORM APPROVED BY THE DIRECTOR OF THE  
24 CENTRAL REPOSITORY.

25 (c) The Central Repository shall provide to the Secretary:

26 (1) [the federal] THE NATIONAL and State criminal history records of each  
27 [applicant for a license and each employee of the applicant.] INDIVIDUAL REQUIRING  
28 A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION  
29 AND ISSUE A PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF  
30 GUILTY OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE;

31 (2) AN UPDATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK  
32 FOR AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK AND ISSUE  
33 A REVISED PRINTED STATEMENT LISTING ANY CONVICTIONS AND PLEAS OF GUILTY  
34 OR NOLO CONTENDERE TO ANY CRIMINAL CHARGE OCCURRING IN THE STATE  
35 AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK; AND

36 (3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A  
37 CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL  
38 HISTORY RECORDS CHECK.

1 (D) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK  
2 SHALL SUBMIT A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN AT ANY  
3 DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR  
4 OTHER LOCATION APPROVED BY THE SECRETARY OF THE DEPARTMENT OF PUBLIC  
5 SAFETY AND CORRECTIONAL SERVICES TO THE CENTRAL REPOSITORY.

6 (E) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK  
7 UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY:

8 (1) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL  
9 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS  
10 CHECK; AND

11 (2) THE FEE AUTHORIZED UNDER ARTICLE 27, § 746(B)(8) OF THE CODE  
12 FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

13 (F) A DEALER MAY PAY FOR THE COSTS BORNE BY THE EMPLOYEE OR  
14 OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY BACKGROUND CHECK  
15 UNDER SUBSECTION (B) OF THIS SECTION.

16 (G) (1) INFORMATION OBTAINED BY THE DEPARTMENT UNDER TITLE 12 OF  
17 THE BUSINESS REGULATION ARTICLE SHALL BE CONFIDENTIAL AND MAY BE  
18 DISSEMINATED ONLY TO THE INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL  
19 HISTORY RECORDS CHECK.

20 (2) NOTHING IN (G)(1) SHALL PRECLUDE THE SECRETARY FROM  
21 NOTIFYING A DEALER OF THE APPROVAL OR DISQUALIFICATION OF THE  
22 EMPLOYEE FOR EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE  
23 SECRETARY UNDER THIS SECTION.

24 (H) THE DEPARTMENT SHALL VERIFY PERIODICALLY THE CONTINUED  
25 EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY  
26 RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
27 SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
28 SERVICES.

29 12-207.

30 (c) Before a license expires, the licensee periodically may renew it for an  
31 additional 2-year term, if the licensee:

32 (1) submits to the Secretary a renewal application on the form that the  
33 Secretary provides;

34 (2) signs the renewal application under oath;

35 (3) updates the information submitted in the original application and states  
36 that the information is current;

37 (4) agrees to comply with each requirement applicable to the original  
38 application;

39 (5) states that the licensee:

4

1 (i) has not violated this title;

2 (ii) has not been convicted of an offense specified in § 12-209 of this  
3 subtitle; and

4 (iii) has not had a similar license denied, suspended, or revoked in  
5 another jurisdiction;

6 (6) otherwise is entitled to be licensed; and

7 (7) pays to the Secretary a renewal fee of [~~\$300~~] \$275.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 1997.