

Unofficial Copy
C2

1997 Regular Session
7lr1117

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 1997

CHAPTER ____

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~~ records checks; requiring the Criminal Justice Information
8 System of the Department of Public Safety and Correctional Services to mail
9 acknowledgements of the receipt of applications for a criminal history records check
10 and provide updates of an initial criminal history records check to the Secretary of
11 the Department of Labor, Licensing, and Regulation; amending the fees for an
12 original license and renewal license; ensuring that criminal history information
13 obtained and disseminated is subject to certain provisions of law; and generally
14 relating to criminal history ~~background~~ records checks for secondhand precious
15 metal object dealers 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:

2

1 **Article - Business Regulation**

2 12-202.

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

4 (i) submit to the Secretary an application on the form that the
5 Secretary provides; and

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

7 12-203.

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

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

13 12-204.

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

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

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

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

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

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

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

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

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

3

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

6 (3) AN ACKNOWLEDGED RECEIPT OF THE APPLICATION FOR A
7 CRIMINAL HISTORY RECORDS CHECK BY AN INDIVIDUAL REQUIRING A CRIMINAL
8 HISTORY RECORDS CHECK.

9 (D) AN INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK
10 SHALL SUBMIT A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN AT ANY
11 DESIGNATED STATE OR LOCAL LAW ENFORCEMENT OFFICE IN THE STATE OR
12 OTHER AGENCY OR LOCATION APPROVED BY THE SECRETARY OF THE
13 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO THE CENTRAL
14 REPOSITORY.

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

17 (1) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL
18 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS
19 CHECK; AND

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

22 (F) A DEALER MAY PAY FOR THE COSTS BORNE BY THE EMPLOYEE OR
23 OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY ~~BACKGROUND~~ RECORDS
24 CHECK UNDER SUBSECTION (B) OF THIS SECTION.

25 (G) (1) INFORMATION OBTAINED BY THE ~~DEPARTMENT~~ SECRETARY FROM
26 THE CENTRAL REPOSITORY UNDER TITLE 12 OF THE BUSINESS REGULATION
27 ARTICLE SHALL BE CONFIDENTIAL AND MAY BE DISSEMINATED ONLY TO THE
28 INDIVIDUAL WHO IS THE SUBJECT OF THE CRIMINAL HISTORY RECORDS CHECK.

29 (2) NOTHING IN (G)(1) SHALL PRECLUDE THE SECRETARY FROM
30 NOTIFYING A DEALER OF THE APPROVAL OR DISQUALIFICATION OF THE
31 EMPLOYEE FOR EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE
32 SECRETARY UNDER THIS SECTION.

33 (H) THE ~~DEPARTMENT~~ SECRETARY SHALL VERIFY PERIODICALLY THE
34 CONTINUED EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL
35 HISTORY RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY
36 THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
37 SERVICES.

38 12-207.

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

4

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

3 (2) signs the renewal application under oath;

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

6 (4) agrees to comply with each requirement applicable to the original
7 application;

8 (5) states that the licensee:

9 (i) has not violated this title;

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

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

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

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

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