
By: **St. Mary's County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 18, 1998

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County - Alcoholic Beverages License Applicants -**
3 **Fingerprinting and Criminal History Records Checks**

4 FOR the purpose of requiring the St. Mary's County Alcoholic Beverage Board to
5 obtain the criminal record of an applicant for an alcoholic beverages license;
6 requiring the Board to ~~forward fingerprints of an applicant to the Criminal~~
7 ~~Justice Information System Central Depository in the Department of Public~~
8 ~~Safety and Correctional Services for State and national criminal history records~~
9 ~~check~~ follow certain procedures and satisfy certain requirements in obtaining a
10 certain criminal history records check from the Criminal Justice Information
11 System Central Repository of the Department of Public Safety and Correctional
12 Services; exempting an applicant for a license renewal from the provisions of
13 this Act; authorizing the Board to establish a certain fee; requiring the Board to
14 maintain the confidentiality of all criminal records in its possession; prohibiting
15 the postponement of a hearing date because of a delay in federal processing of
16 the criminal history records check; requiring the Board to adopt regulations to
17 administer this Act; and generally relating to ~~fingerprinting applicants for an~~
18 ~~alcoholic beverages license~~ obtaining fingerprints and criminal history records
19 checks from applicants for alcoholic beverages licenses in St. Mary's County.

20 BY repealing
21 Article 2B - Alcoholic Beverages
22 Section 10-103(c)
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1997 Supplement)

25 BY adding to

1 Article 2B - Alcoholic Beverages
 2 Section 10-103(c)
 3 Annotated Code of Maryland
 4 (1996 Replacement Volume and 1997 Supplement)

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

7 **Article 2B - Alcoholic Beverages**

8 10-103.

9 [(c) (1) In St. Mary's County, in addition to the application and certificate
 10 requirements provided for under this section, each applicant for an alcoholic
 11 beverages license shall be fingerprinted.

12 (2) The St. Mary's County Board of License Commissioners shall adopt
 13 regulations necessary for:

14 (i) Preserving the confidentiality of any police records required to
 15 be secured under this section; and

16 (ii) Implementing this subsection.]

17 (C) (1) IN THIS SUBSECTION, "BOARD" MEANS THE ST. MARY'S COUNTY
 18 ALCOHOLIC BEVERAGE BOARD.

19 (2) THIS SUBSECTION APPLIES ONLY IN ST. MARY'S COUNTY.

20 (3) FOR EACH LICENSE APPLICANT, THE BOARD SHALL:

21 ~~(I) OBTAIN FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM~~
 22 ~~CENTRAL REPOSITORY IN THE DEPARTMENT OF PUBLIC SAFETY AND~~
 23 ~~CORRECTIONAL SERVICES THE CRIMINAL RECORD OF EACH APPLICANT FOR AN~~
 24 ~~ALCOHOLIC BEVERAGES LICENSE;~~

25 ~~(II) REQUIRE AN APPLICANT FOR AN ALCOHOLIC BEVERAGES~~
 26 ~~LICENSE TO BE FINGERPRINTED; AND~~

27 ~~(III) FORWARD THE FINGERPRINTS TO THE CRIMINAL JUSTICE~~
 28 ~~INFORMATION SYSTEM CENTRAL REPOSITORY IN THE DEPARTMENT OF PUBLIC~~
 29 ~~SAFETY AND CORRECTIONAL SERVICES FOR TRANSMITTAL TO THE FEDERAL~~
 30 ~~BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.~~

31 (I) APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM
 32 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
 33 CORRECTIONAL SERVICES FOR A STATE AND NATIONAL CRIMINAL HISTORY
 34 RECORDS CHECK; AND

1 (II) SUBMIT AS PART OF AN APPLICATION FOR A CRIMINAL
 2 HISTORY RECORDS CHECK;

3 1. TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
 4 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CRIMINAL
 5 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE
 6 FEDERAL BUREAU OF INVESTIGATION;

7 2. THE MANDATORY PROCESSING FEE REQUIRED BY THE
 8 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
 9 RECORDS CHECK; AND

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

12 (4) THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL
 13 REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
 14 SERVICES SHALL PROVIDE THE REQUESTED INFORMATION IN ACCORDANCE WITH
 15 ARTICLE 27, §§ 742 THROUGH 755 OF THE CODE.

16 ~~(4)~~ (5) THIS SUBSECTION DOES NOT APPLY TO AN APPLICANT FOR
 17 RENEWAL OF AN ALCOHOLIC BEVERAGE BEVERAGES LICENSE.

18 ~~(5)~~ (6) THE BOARD MAY ESTABLISH A FEE TO COVER THE COST OF
 19 OBTAINING:

20 (I) THE APPLICANT'S FINGERPRINTS; AND

21 (II) THE STATE AND ~~FEDERAL~~ NATIONAL CRIMINAL HISTORY
 22 RECORDS CHECK.

23 ~~(6)~~ (7) THE BOARD SHALL:

24 (I) KEEP ALL CRIMINAL RECORDS CONFIDENTIAL; AND

25 (II) MAKE ALL CRIMINAL RECORDS IN ITS POSSESSION AVAILABLE
 26 ONLY TO BOARD MEMBERS, THE BOARD'S DESIGNEES, THE BOARD ADMINISTRATOR,
 27 ~~THE BOARD'S ATTORNEY~~, AND THE BOARD'S INSPECTOR.

28 ~~(7)~~ (8) A HEARING FOR AN APPLICANT FOR AN ALCOHOLIC BEVERAGE
 29 BEVERAGES LICENSE AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE
 30 TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE
 31 REQUESTED CRIMINAL HISTORY RECORDS CHECK BY THE DATE OF THE SCHEDULED
 32 HEARING.

33 ~~(8)~~ (9) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
 34 SUBSECTION.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 36 October 1, 1998.

