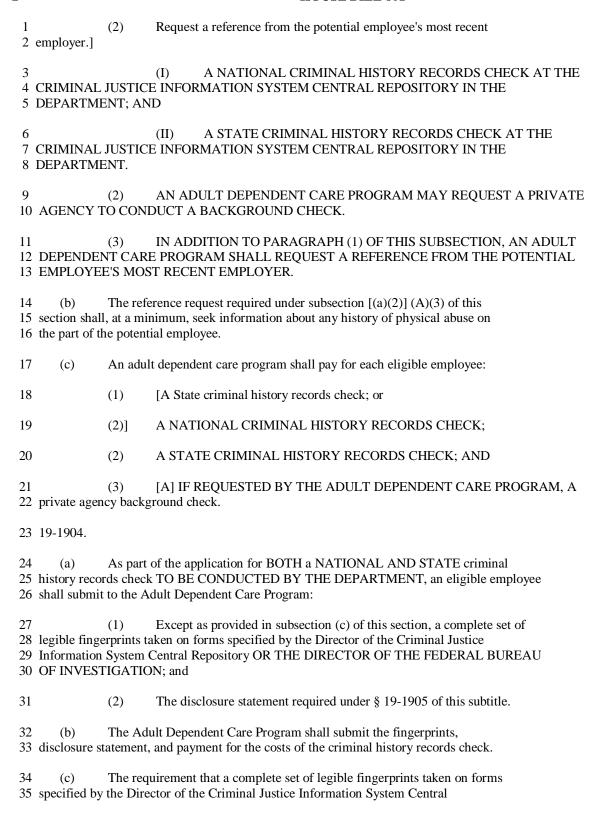
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1998 Regular Session 8lr0177

By: **Delegates Hammen and Gordon**Introduced and read first time: February 12, 1998
Assigned to: Environmental Matters

	A BILL ENTITLED
1	AN ACT concerning
2	Adult Dependent Care Programs - National Criminal History Records Checks
5 6 7 8 9 10 11 12 13 14	BY repealing and reenacting, with amendments, Article - Health - General
17 18 19	Section 19-1902, 19-1904, and 19-1907 Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement)
20 21	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
22	Article - Health - General
23	19-1902.
	(a) (1) Before an eligible employee may begin work for an adult dependent care program, each adult dependent care program shall, for each eligible employee, APPLY FOR:
27	[(1) (i) Apply for a State criminal history records check; or
28	(ii) Request a private agency to conduct a background check; and

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1 Repository OR THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION be 2 submitted as part of the application for a criminal history records check may be 3 waived by the Department if: 4 The eligible employee has attempted to have a complete set of 5 fingerprints taken on at least [three] TWO occasions; The taking of a complete set of legible fingerprints is not possible 6 (2) 7 because of a physical or medical condition of the eligible employee's fingers or hands; The eligible employee submits documentation satisfactory to the 8 9 Department of the requirements of this subsection; and 10 (4) The eligible employee submits the other information required for a 11 criminal history records check TO BE CONDUCTED BY THE DEPARTMENT AS PART OF 12 THE APPLICATION PROCESS. 13 19-1907. 14 The Department shall conduct the criminal history records check and (a) (1) 15 issue the printed statement provided for under this subtitle. The Department shall update an initial criminal history records 16 (2) 17 check and issue a revised printed statement, listing any of the convictions or pending 18 charges occurring in the State after the date of the initial criminal history records 19 check. THE DEPARTMENT SHALL PROVIDE AN INITIAL AND A REVISED 20 21 STATEMENT OF AN ELIGIBLE EMPLOYEE'S STATE CRIMINAL RECORD TO THE 22 RECIPIENTS OF THE ACKNOWLEDGMENTS SPECIFIED IN § 19-1905(B) OF THIS 23 SUBTITLE. 24 The Department shall adopt regulations requiring employers to 25 verify periodically the continuing employment of an employee. FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK, THE 26 (B) (1) 27 DEPARTMENT SHALL: RECORD ON A PRINTED STATEMENT THE EXISTENCE OF A 28 (I) 29 CONVICTION OR PENDING CHARGE REPORTED IN THE CRIMINAL HISTORY RECORD 30 INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION 31 IDENTIFICATION DIVISION; AND DISTRIBUTE THE PRINTED STATEMENT IN ACCORDANCE WITH 32 33 FEDERAL LAW AND REGULATIONS ON DISSEMINATION OF FEDERAL BUREAU OF 34 INVESTIGATION IDENTIFICATION RECORDS AND THIS SUBTITLE. 35 THE RECORDING OF THE EXISTENCE OF A CONVICTION OR PENDING (2)

36 CHARGE CONTAINED IN THE CRIMINAL HISTORY RECORD INFORMATION RECEIVED

24

26

27 October 1, 1998.

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1 FROM THE FEDERAL BUREAU OF INVESTIGATION IDENTIFICATION DIVISION UNDER 2 PARAGRAPH (1) OF THIS SUBSECTION: (I) MAY NOT IDENTIFY OR DISCLOSE TO A PRIVATE ENTITY THE 4 SPECIFIC CRIME OR ATTEMPTED CRIME IN THE ELIGIBLE EMPLOYEE'S CRIMINAL 5 HISTORY RECORD; AND SHALL DISCLOSE TO A PRIVATE ENTITY THE EXISTENCE OF A 6 (II)7 CONVICTION OR PENDING CHARGES FOR ANY OF THE CRIMES, ATTEMPTED CRIMES, 8 OR A CRIMINAL OFFENSE THAT IS EQUIVALENT TO THOSE ENUMERATED IN 9 REGULATIONS ADOPTED BY THE DEPARTMENT. [The] ON COMPLETION OF A NATIONAL CRIMINAL HISTORY 10 [(b)] (3) 11 RECORDS CHECK OF AN ELIGIBLE EMPLOYEE UNDER THIS SUBTITLE, THE 12 Department shall provide a printed statement [of the eligible employee's state 13 criminal record] to the recipients of the acknowledgments specified in § 19-1905(b) of 14 this subtitle. 15 (c) Information obtained from the Department or a private agency under this 16 subtitle shall be confidential and may be disseminated only to the eligible employee 17 who is the subject of the criminal history records check or private agency background 18 check and to an adult dependent care program seeking to hire the eligible employee. Information obtained from the Department or a private agency under this 19 20 subtitle may not: Be used for any purpose other than that for which it was (1) 22 disseminated: or 23 Be redisseminated. (2)

Information obtained from the Department or a private agency under this

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

25 subtitle shall be maintained in a manner to insure the security of the information.