
By: **Senator Ferguson**

Introduced and read first time: January 29, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal History Records Checks - Volunteers at Recreation Centers and**
3 **Programs Operated by Local Governments**

4 FOR the purpose of providing that a volunteer at certain recreation centers or
5 programs operated by a local government may not be required by another
6 volunteer to authorize or obtain a criminal history records check; and generally
7 relating to criminal history records checks for certain volunteers.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 5-561
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1998 Supplement)

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

15 **Article - Family Law**

16 5-561.

17 (a) Notwithstanding any provision of law to the contrary, an employee and
18 employer in a facility identified in subsection (b) of this section and persons identified
19 in subsection (c) of this section shall apply for a national and State criminal history
20 records check at any designated law enforcement office in this State.

21 (b) The following facilities shall require employees and employers to obtain a
22 criminal history records check under this Part VI of this subtitle:

23 (1) a child care center required to be licensed under Part VII of this
24 subtitle;

25 (2) a family day care home required to be registered under Part V of this
26 subtitle;

1 (3) a child care home required to be licensed under this subtitle or under
2 Article 83C of the Code;

3 (4) a child care institution required to be licensed under this subtitle or
4 under Article 83C of the Code;

5 (5) a juvenile detention, correction, or treatment facility provided for in
6 Article 83C of the Code;

7 (6) a public school as defined in Title 1 of the Education Article;

8 (7) a private or nonpublic school required to report annually to the State
9 Board of Education under Title 2 of the Education Article;

10 (8) a foster care family home or group facility as defined under this
11 subtitle;

12 (9) a recreation center or recreation program operated by State or local
13 government primarily serving minors; or

14 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the
15 Code of Maryland Regulations, primarily serving minors.

16 (c) The following individuals shall obtain a criminal history records check
17 under this Part VI of this subtitle:

18 (1) an individual who is seeking to adopt a child through a local
19 department of social services or licensed child placement agency;

20 (2) an adult relative with whom a child, committed to a local department
21 of social services, is placed by the local department of social services; and

22 (3) any adult known by a local department of social services to be
23 residing in a:

24 (i) family day care home required to be registered under Title 5 of
25 this article;

26 (ii) home of an adult relative of a child with whom the child,
27 committed to a local department of social services, is placed by the local department of
28 social services;

29 (iii) foster care home or child care home required to be approved
30 under Title 5 of this article; or

31 (iv) home of an individual seeking to adopt a child through a local
32 department of social services or a licensed child placement agency.

33 (d) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
34 AN employer at a facility under subsection (b) of this section may require a volunteer

1 at the facility to obtain a criminal history records check under this Part VI of this
2 subtitle.

3 (2) A VOLUNTEER AT A RECREATION CENTER OR RECREATION
4 PROGRAM OPERATED BY A LOCAL GOVERNMENT PRIMARILY SERVING MINORS MAY
5 NOT BE REQUIRED BY ANOTHER VOLUNTEER TO AUTHORIZE OR OBTAIN A CRIMINAL
6 HISTORY RECORDS CHECK UNDER THIS PART VI OF THIS SUBTITLE.

7 (e) A local department of social services may require a volunteer of that
8 department who works with children to obtain a criminal history records check under
9 this Part VI of this subtitle.

10 (f) An employer at a facility not identified in subsection (b) of this section who
11 employs individuals to work with children may require employees, including
12 volunteers, to obtain a criminal history records check under this Part VI of this
13 subtitle.

14 (g) A person who is required to have a criminal history records check under
15 this Part VI of this subtitle shall pay for:

16 (1) the mandatory processing fee required by the Federal Bureau of
17 Investigation for a national criminal history records check;

18 (2) reasonable administrative costs to the Department, not to exceed
19 10% of the processing fee; and

20 (3) the fee authorized under Article 27, § 746(b)(8) of the Code for access
21 to Maryland criminal history records.

22 (h) (1) An employer or other party may pay for the costs borne by the
23 employee or other individual under subsection (g) of this section.

24 (2) The local department of social services shall reimburse an adult
25 residing in a foster care home for the costs borne by the individual under subsection
26 (g) of this section.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1999.