

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE  
Revised

House Bill 145

(Delegate Doory, *et al.*)

Judiciary

Judicial Proceedings

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Criminal Background Investigations - Care and Supervision of Children -  
Substitute Employee Pools

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This bill increases the number of childcare providers who are statutorily required to obtain criminal history records checks by expanding the definition of “employee” and “employer.”

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Fiscal Summary

**State Effect:** The bill would not substantively change State activities or operations.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** “Employee” is expanded to include a person who: (1) participates in a workers’ pool; (2) for compensation will be employed on a substitute or temporary basis to work in a child care center; and (3) will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility. “Employer” is expanded to include: (1) a child care resource and referral center; (2) an association of family day care providers; and (3) an association of licensed child care centers to the extent that the center or association establishes and maintains a pool of individuals who are qualified to work as substitute or temporary employees in a child care center. An employer must require an employee to obtain a criminal history records check.

**Current Law:** “Employee” means a person who, for compensation, is employed to work in a child care facility and cares for or supervises children in the facility or has access to children cared for or supervised in the facility. “Employer” means an owner, operator, proprietor, or manager of a child care facility who has frequent contact with children cared for or supervised in the facility.

A criminal history records check is required, by statute, for an employer or employee in facilities such as child care centers, family day care homes, juvenile correction centers, and schools. An employer at a child care facility may require a volunteer to obtain a criminal history records check.

A person who is required to have a criminal history records check must pay for: (1) the mandatory processing fee required by the Federal Bureau of Investigation; (2) reasonable administrative costs to the department, not to exceed 10% of the processing fee; and (3) the fee for access to Maryland criminal history records. An employer or other party may pay for the costs borne by an employee.

**State Fiscal Effect:** The increase in required criminal history records checks resulting from the bill is not expected to be significant. The total maximum cost of criminal history record checks and fingerprinting is \$52.00, which includes State and national background checks. This cost would be borne by the applicants. The Maryland State Child Care Association estimates that approximately 25 to 70 temporary workers covered by that association would be affected by this legislation.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 1381 was introduced during the 2000 session and received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Maryland State Child Care Association, Department of State Police, Department of Public Safety and Correctional Services (Information and Technology), Department of Human Resources, Department of Legislative Services

**Fiscal Note History:** First Reader – January 23, 2001  
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