

HOUSE BILL 744
EMERGENCY BILL

Unofficial Copy
A2

2002 Regular Session
2lr0459
CF 2lr0471

By: **Howard County Delegation**

Introduced and read first time: February 6, 2002

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2002

CHAPTER _____

1 AN ACT concerning

2 **Howard County - Alcoholic Beverages - Background Checks**
3 **Ho. Co. 4-02**

4 FOR the purpose of requiring the Howard County Board of License Commissioners to
5 obtain certain information regarding applicants for issuance or renewal of
6 alcoholic beverages licenses; restricting access to certain information to
7 members, attorneys representing the Boards, clerks, administrators, and
8 inspectors of the Board of License Commissioners and the Alcoholic Beverage
9 Hearing Board; making a certain stylistic change; making this Act an emergency
10 measure; and generally relating to background checks of applicants for issuance
11 or renewal of alcoholic beverages licenses in Howard County.

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 10-103(b)(13)(i), (ii), and (xi)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2001 Supplement)

17 BY adding to
18 Article 2B - Alcoholic Beverages
19 Section 10-103(b)(13)(xii)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2001 Supplement)

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

Article 2B - Alcoholic Beverages

10-103.

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the board of license commissioners upon forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following statements:

(13) (i) 1. A statement as to whether the applicant has ever been adjudged guilty of any offense against the laws of the State or of the United States.

2. The respective boards shall destroy the records obtained under subparagraphs (ii), (iv), (v), (vi), (vii), (viii), [and] (ix), AND (XII) of this paragraph upon completion of its necessary use of the records;

(ii) 1. The provisions of this subparagraph (ii) apply in the following:

A. Anne Arundel County;

B. Harford County;

C. Prince George's County;

D. St. Mary's County; [and]

E. Worcester County[.]; AND

F. HOWARD COUNTY.

2. The county board of license commissioners or the liquor control board may obtain criminal records on alcoholic beverages license applicants and their agents in its respective county from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services and county police.

(xi) 1. In Calvert County, for each application for a new alcoholic beverages license or for a transfer of an existing alcoholic beverages license, the Board of License Commissioners shall:

A. Obtain criminal records of the license applicant from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services;

B. Require a license applicant to be fingerprinted; and

C. Forward the fingerprints through the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for transmittal to the Federal Bureau of Investigation for a national criminal history records check.

1 2. This subparagraph does not apply to an alcoholic
2 beverages license renewal [applicant;] APPLICANT.

3 (XII) IN HOWARD COUNTY:

4 1. THE BOARD OF LICENSE COMMISSIONERS SHALL:

5 A. OBTAIN CRIMINAL RECORDS OF ALCOHOLIC BEVERAGES
6 LICENSE APPLICANTS FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM
7 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
8 CORRECTIONAL SERVICES AND THE NATIONAL CRIME INFORMATION CENTER
9 INTERSTATE IDENTIFICATION INDEX;

10 B. REQUIRE APPLICANTS FOR ALCOHOLIC BEVERAGES
11 LICENSES IN THE COUNTY TO BE FINGERPRINTED; AND

12 C. FORWARD THE FINGERPRINTS THROUGH THE CRIMINAL
13 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
14 PUBLIC SAFETY AND CORRECTIONAL SERVICES FOR TRANSMITTAL TO THE FEDERAL
15 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

16 2. APPLICANTS FOR LICENSE RENEWAL MAY BE SUBJECT TO
17 THIS SUBPARAGRAPH.

18 3. THE BOARD SHALL:

19 A. KEEP ALL CRIMINAL RECORDS CONFIDENTIAL; AND

20 B. MAKE ALL CRIMINAL RECORDS IN ITS POSSESSION
21 AVAILABLE ONLY TO MEMBERS, THE ATTORNEY REPRESENTING THE BOARD,
22 CLERKS, ADMINISTRATORS, AND INSPECTORS OF THE BOARD OF LICENSE
23 COMMISSIONERS AND TO MEMBERS, THE ATTORNEY REPRESENTING THE BOARD,
24 CLERKS, ADMINISTRATORS, AND INSPECTORS OF THE HOWARD COUNTY ALCOHOLIC
25 BEVERAGE HEARING BOARD.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a ye and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly, and shall take effect from
30 the date it is enacted.

