
By: **Delegates Pitkin, Barkley, Bobo, Bronrott, Burns, Cadden, Conroy,
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Introduced and read first time: February 8, 2002
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Aviation Administration - Air School Students - Criminal**
3 **Background Checks**

4 FOR the purpose of prohibiting an air school from providing certain instruction to a
5 person unless the person has submitted a certain application to the Maryland
6 Aviation Administration that was approved by the Executive Director of the
7 Administration as meeting certain requirements; requiring a prospective air
8 school student to submit an application, fingerprints, and certain fees to the
9 Administration; requiring the application to contain certain information;
10 requiring the Executive Director to conduct a certain State and national
11 criminal background investigation; limiting the permissible uses of information
12 obtained in the criminal background investigation; specifying certain standards
13 for approval of certain applications under this Act; requiring certain
14 notification; and generally relating to criminal background checks of applicants
15 for instruction at air schools.

16 BY repealing and reenacting, without amendments,
17 Article - Transportation
18 Section 5-901(b) and (c)
19 Annotated Code of Maryland
20 (2001 Replacement Volume)

21 BY adding to
22 Article - Transportation
23 Section 5-905.1
24 Annotated Code of Maryland
25 (2001 Replacement Volume)

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

1 **Article - Transportation**

2 5-901.

3 (b) "Air school" means, except as provided in subsection (c) of this section, any
4 person who, whether or not for compensation, gives or offers to give instruction in
5 flying or in ground subjects relating to aeronautics.

6 (c) "Air school" does not include:

7 (1) Any public school or other noncollegiate educational institution
8 approved by the State Board of Education; or

9 (2) Any college, university, or other institution of postsecondary
10 education approved by the Maryland Higher Education Commission.

11 5-905.1.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (2) "AIR SCHOOL" HAS THE MEANING STATED IN § 5-901 OF THIS
15 SUBTITLE.

16 (3) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE
17 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
18 SAFETY AND CORRECTIONAL SERVICES.

19 (B) AN AIR SCHOOL MAY NOT GIVE INSTRUCTION IN FLYING OR GROUND
20 SUBJECTS RELATING TO AERONAUTICS TO A PERSON UNLESS THE PERSON HAS
21 SUBMITTED AN APPLICATION FOR FLIGHT INSTRUCTION THAT HAS BEEN APPROVED
22 BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH THIS SECTION.

23 (C) IN ADDITION TO ANY APPLICATION REQUIREMENTS OF AN AIR SCHOOL, A
24 PERSON SEEKING INSTRUCTION AT THE AIR SCHOOL SHALL SUBMIT TO THE
25 ADMINISTRATION:

26 (1) AN APPLICATION FOR FLIGHT INSTRUCTION ON A FORM THAT THE
27 ADMINISTRATION PROVIDES;

28 (2) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS
29 TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND
30 THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

31 (3) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
32 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

33 (4) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL
34 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

35 (D) THE APPLICATION FOR FLIGHT INSTRUCTION SHALL CONTAIN:

1 (1) THE APPLICANT'S NAME, ADDRESS, DRIVER'S OR PHOTOGRAPHIC
2 IDENTIFICATION SOUNDEX NUMBER, SOCIAL SECURITY NUMBER, OCCUPATION,
3 PLACE AND DATE OF BIRTH, HEIGHT, WEIGHT, RACE, EYE AND HAIR COLOR, AND
4 SIGNATURE;

5 (2) THE AIR SCHOOL'S NAME AND ADDRESS;

6 (3) A STATEMENT BY THE APPLICANT UNDER PENALTY OF PERJURY
7 THAT THE APPLICANT:

8 (I) HAS NEVER BEEN CONVICTED OF:

9 1. A CRIME OF VIOLENCE;

10 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THE STATE;

11 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THE
12 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS
13 IMPRISONMENT; OR

14 4. ANY VIOLATION CLASSIFIED AS A COMMON LAW OFFENSE
15 FOR WHICH THE APPLICANT RECEIVED A TERM OF IMPRISONMENT OF MORE THAN 2
16 YEARS;

17 (II) IS NOT A FUGITIVE FROM JUSTICE;

18 (III) IS NOT A HABITUAL DRUNKARD;

19 (IV) IS NOT AN ADDICT OR HABITUAL USER OF ANY CONTROLLED
20 DANGEROUS SUBSTANCES;

21 (V) HAS NEVER SPENT MORE THAN 30 CONSECUTIVE DAYS IN ANY
22 MEDICAL INSTITUTION FOR TREATMENT OF A MENTAL DISORDER, UNLESS THERE IS
23 ATTACHED TO THE APPLICATION A PHYSICIAN'S CERTIFICATE, ISSUED WITHIN 30
24 DAYS PRIOR TO THE DATE OF APPLICATION, CERTIFYING THAT THE APPLICANT IS
25 CAPABLE OF OPERATING AN AIRCRAFT WITHOUT UNDUE DANGER TO THE
26 APPLICANT OR TO OTHERS; AND

27 (VI) IF LESS THAN 30 YEARS OF AGE AT THE TIME OF APPLICATION,
28 HAS NOT BEEN ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR:

29 1. A CRIME OF VIOLENCE;

30 2. ANY VIOLATION CLASSIFIED AS A FELONY IN THE STATE;

31 OR

32 3. ANY VIOLATION CLASSIFIED AS A MISDEMEANOR IN THE
33 STATE THAT CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS
34 IMPRISONMENT.

1 (E) (1) UPON RECEIPT OF AN APPLICATION FOR FLIGHT INSTRUCTION, THE
2 EXECUTIVE DIRECTOR SHALL APPLY TO THE CENTRAL REPOSITORY FOR STATE AND
3 NATIONAL CRIMINAL HISTORY RECORDS CHECKS FOR THE APPLICANT IN ORDER TO
4 DETERMINE THE TRUTH OR FALSITY OF THE INFORMATION SUPPLIED AND
5 STATEMENTS MADE IN THE APPLICATION.

6 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
7 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD THE
8 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION TO THE APPLICANT AND
9 THE EXECUTIVE DIRECTOR.

10 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
11 THIS SECTION:

12 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

13 (II) MAY BE USED ONLY FOR THE PURPOSE AUTHORIZED BY
14 PARAGRAPH (1) OF THIS SUBSECTION.

15 (4) THE APPLICANT MAY CONTEST THE CONTENTS OF THE PRINTED
16 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE
17 CRIMINAL PROCEDURE ARTICLE.

18 (F) UPON RECEIPT OF A CRIMINAL HISTORY RECORDS CHECK, THE
19 EXECUTIVE DIRECTOR SHALL APPROVE AN APPLICATION FOR FLIGHT INSTRUCTION
20 UNLESS THE EXECUTIVE DIRECTOR DETERMINES THAT:

21 (1) THE APPLICANT HAS SUPPLIED FALSE INFORMATION OR
22 STATEMENTS;

23 (2) THE APPLICATION HAS NOT BEEN PROPERLY COMPLETED; OR

24 (3) WRITTEN NOTIFICATION FROM THE APPLICANT'S LICENSED
25 ATTENDING PHYSICIAN HAS BEEN RECEIVED STATING THAT THE APPLICANT IS
26 SUFFERING FROM A MENTAL DISORDER AND IS A DANGER TO THE APPLICANT OR TO
27 OTHERS.

28 (G) THE EXECUTIVE DIRECTOR SHALL PROMPTLY NOTIFY THE PROSPECTIVE
29 AIR SCHOOL IN WRITING OF THE APPROVAL OR DISAPPROVAL OF ANY APPLICATION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2002.