
By: **Chairman, Judiciary Committee (Departmental - Public Safety and
Correctional Services)**

Introduced and read first time: February 13, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Justice Information System - Criminal History Records Checks**

3 FOR the purpose of specifying certain procedures and fees to obtain criminal history
4 records checks for individuals applying for certain permits and licenses
5 including handgun permits, regulated firearms dealers, private detectives,
6 security guard agencies, and security guards, as well as certain employees,
7 licensees, and other persons under the jurisdiction of the Maryland Racing
8 Commission; defining certain terms; and generally relating to criminal history
9 records checks.

10 BY renumbering

11 Article - Business Occupations and Professions
12 Section 13-101(b) through (k), 13-304(c) through (i), 19-101(b) through (k), and
13 19-304(c) through (i), respectively
14 to be Section 13-101(c) through (l), 13-304(d) through (j), 19-101(c) through (l),
15 and 19-304(d) through (j), respectively
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2001 Supplement)

18 BY renumbering

19 Article - Business Regulation
20 Section 11-101(c) through (u), respectively
21 to be Section 11-101(d) through (v), respectively
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2001 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article 27 - Crimes and Punishments
26 Section 36E and 443
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Business Occupations and Professions
3 Section 13-101(a), 13-203, 13-301, 13-304(a), 13-401, 13-402, 19-101(a),
4 19-201, 19-304(a), and 19-404.1
5 Annotated Code of Maryland
6 (2000 Replacement Volume and 2001 Supplement)

7 BY adding to
8 Article - Business Occupations and Professions
9 Section 13-101(b), 13-304(c), 19-101(b), and 19-304(c)
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 13-304(b), 13-403, 19-304(b), and 19-402
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

17 BY adding to
18 Article - Business Regulation
19 Section 11-101(c)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2001 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Business Regulation
24 Section 11-101(a) and 11-201
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 2001 Supplement)

27 BY repealing
28 Article - Business Regulation
29 Section 11-204(e), 11-205(e), 11-206(e), and 11-207(d)
30 Annotated Code of Maryland
31 (1998 Replacement Volume and 2001 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article - Business Regulation
34 Section 11-312 and 11-316
35 Annotated Code of Maryland
36 (1998 Replacement Volume and 2001 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 13-101(b) through (k), 13-304(c) through (i), 19-101(b)
3 through (k), and 19-304(c) through (i), respectively, of Article - Business Occupations
4 and Professions of the Annotated Code of Maryland be renumbered to be Section(s)
5 13-101(c) through (l), 13-304(d) through (j), 19-101(c) through (l), and 19-304(d)
6 through (j), respectively.

7 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11-101(c)
8 through (u), respectively, of Article - Business Regulation of the Annotated Code of
9 Maryland be renumbered to be Section(s) 11-101(d) through (v), respectively.

10 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Article 27 - Crimes and Punishments**

13 36E.

14 (a) A permit to carry a handgun shall be issued within a reasonable time by
15 the Secretary of the State Police, upon application under oath therefor, to any person
16 whom the Secretary finds:

17 (1) Is eighteen years of age or older; and

18 (2) Has not been convicted of a felony or of a misdemeanor for which a
19 sentence of imprisonment for more than one year has been imposed or, if convicted of
20 such a crime, has been pardoned or has been granted relief pursuant to Title 18, §
21 925(c) of the United States Code; and

22 (3) If the person is less than 30 years of age and who has not been:

23 (i) Committed to any detention, training, or correctional
24 institution for juveniles for longer than one year after an adjudication of delinquency
25 by a juvenile court; or

26 (ii) Adjudicated delinquent by a juvenile court for:

27 1. A crime of violence;

28 2. Any violation classified as a felony in this State; or

29 3. Any violation classified as a misdemeanor in this State
30 that carries a statutory penalty of more than 2 years; and

31 (4) Has not been convicted of any offense involving the possession, use,
32 or distribution of controlled dangerous substances; and is not presently an addict, an
33 habitual user of any controlled dangerous substance not under legitimate medical
34 direction, or an alcoholic; and

1 (5) Has, based on the results of investigation, not exhibited a propensity
2 for violence or instability which may reasonably render his possession of a handgun a
3 danger to himself or other law-abiding persons; and

4 (6) Has, based on the results of investigation, good and substantial
5 reason to wear, carry, or transport a handgun, provided however, that the phrase
6 "good and substantial reason" as used herein shall be deemed to include a finding
7 that such permit is necessary as a reasonable precaution against apprehended
8 danger.

9 (b) (1) (I) Except as provided in paragraph (2) of this subsection, the
10 Secretary may charge a nonrefundable fee not to exceed \$75 for an initial application,
11 \$50 for a renewal or subsequent application, and \$10 for a duplicate or modified
12 permit payable at the time an application is filed.

13 (II) THE FEES REFERRED TO IN SUBPARAGRAPH (I) OF THIS
14 SUBSECTION ARE IN ADDITION TO THE FEES AUTHORIZED UNDER SUBSECTION (C)
15 OF THIS SECTION.

16 (III) The fee may be paid with a personal check, business check,
17 certified check, or money order.

18 (2) The Secretary may not charge any of the following persons a fee for
19 an initial application, for a renewal or subsequent application, or for a duplicate or
20 modified permit for that handgun:

21 (i) A State, county, or municipal public safety employee who is
22 required to wear or carry a handgun as a condition of government employment; or

23 (ii) A retired law enforcement officer of the State or of a county or
24 municipal corporation of the State.

25 [(3) Notwithstanding the above fees, the applicant shall submit to the
26 Department of State Police:

27 (i) A complete set of the applicant's legible fingerprints taken on
28 standard fingerprint cards; and

29 (ii) Payment for the cost of the fingerprint card record checks.]

30 (C) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE
31 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
32 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

33 (2) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE CENTRAL
34 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
35 EACH APPLICANT.

1 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
2 CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE CENTRAL
3 REPOSITORY:

4 (I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
5 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL
6 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

9 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
10 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
11 RECORDS CHECK.

12 (4) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
13 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
14 APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED STATEMENT OF
15 THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

16 (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
17 THIS SECTION SHALL BE:

18 (I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

19 (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

20 (6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
21 THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT
22 ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
23 PROCEDURE ARTICLE.

24 [(c)] (D) A permit issued under this section shall expire on the last day of the
25 holder's birth month following two years after its issuance. The permit may be
26 renewed, upon application and payment of the renewal fee, for successive periods of
27 three years each, if the applicant, at the time of application, possesses the
28 qualifications set forth in this section for the issuance of a permit.

29 [(d)] (E) The Secretary may, in any permit issued under this section, limit the
30 geographic area, circumstances, or times during the day, week, month, or year in or
31 during which the permit is effective. The Secretary may reduce the cost of the permit
32 accordingly, if the permit is granted for one day only and at one place only.

33 [(e)] (F) Any person to whom a permit shall be issued or renewed shall carry
34 such permit in his possession every time he carries, wears, or transports a handgun.
35 A permit issued pursuant to this section shall be valid for any handgun legally in the
36 possession of the person to whom the permit was issued.

37 [(f)] (G) The Secretary may revoke any permit issued or renewed at any time
38 upon a finding that (i) the holder no longer satisfies the qualifications set forth in

1 subsection (a), or (ii) the holder of the permit has violated subsection [(e)] (F) hereof.
2 A person holding a permit which is revoked by the Secretary shall return the permit
3 to the Secretary within ten days after receipt of notice of the revocation. Any person
4 who fails to return a revoked permit in violation of this section shall be guilty of a
5 misdemeanor, and, upon conviction, shall be fined not less than \$100 or more than
6 \$1,000, or be imprisoned for not more than one year, or both.

7 [(g)] (H) (1) Any person whose application for a permit or renewal of a
8 permit has been rejected or whose permit has been revoked or limited may request
9 the Secretary to conduct an informal review by filing a written request within 10 days
10 after receipt of written notice of the Secretary's initial action.

11 (2) The informal review may include a personal interview of the
12 applicant and is not subject to the Administrative Procedure Act.

13 (3) Pursuant to the informal review, the Secretary shall sustain, reverse,
14 or modify the initial action taken and notify the applicant of the decision in writing
15 within 30 days after receipt of the request for informal review.

16 (4) Institution of proceedings under this section is within the discretion
17 of the applicant and is not a condition precedent to institution of proceedings under
18 subsection (h) of this section.

19 [(h)] (I) (1) There is created a Handgun Permit Review Board as a separate
20 agency within the Department of Public Safety and Correctional Services. The Board
21 shall consist of five members appointed from the general public by the Governor with
22 the advice and consent of the Senate of Maryland and shall hold office for terms of
23 three years. The members shall hold office for a term of one, two, and three years,
24 respectively, to be designated by the Governor. After the first appointment, the
25 Governor shall annually appoint a member of the Board in the place of the member
26 whose term shall expire. Members of the Board shall be eligible for reappointment. In
27 case of any vacancy in the Board, the Governor shall fill the vacancy by the
28 appointment of a member to serve until the expiration of the term for which the
29 person had been appointed. Each member of the Board shall receive per diem
30 compensation as provided in the budget for each day actually engaged in the
31 discharge of his official duties as well as reimbursement, in accordance with the
32 Standard State Travel Regulations, for all necessary and proper expenses.

33 (2) Any person whose application for a permit or renewal of a permit has
34 been rejected or whose permit has been revoked or limited may request the Board to
35 review the decision of the Secretary by filing a written request for review with the
36 Board within ten days after receipt of written notice of the Secretary's final action.
37 The Board shall, within 90 days after receipt of the request, either review the record
38 developed by the Secretary, or conduct a hearing. In conducting its review of the
39 decision of the Secretary, the Board may receive and consider any additional evidence
40 submitted by any party. Based upon its consideration of the record, and any
41 additional evidence, the Board shall either sustain, reverse or modify the decision of
42 the Secretary. If the action taken by the Board results in the rejection of an
43 application for a permit or renewal of a permit or the revocation or limitation of a

1 permit, the Board shall submit in writing to that person the reasons for the action
2 taken by the Board.

3 (3) Any hearing and any subsequent proceedings of judicial review shall
4 be conducted in accordance with the provisions of Title 10, Subtitle 2 of the State
5 Government Article; provided, however, that no court of this State shall order the
6 issuance or renewal of a permit or alter any limitations on a permit pending final
7 determination of the proceeding.

8 (4) Any person whose application for a permit or renewal of a permit has
9 not been acted upon by the Secretary within 90 days after the application was
10 submitted, may request the Board for a hearing by filing a written request for such a
11 hearing with the Board.

12 [(i)] (J) Notwithstanding any other provision of this subheading, the
13 following persons may, to the extent authorized prior to March 27, 1972, and subject
14 to the conditions specified in this subsection and subsection [(j)] (K) hereof, continue
15 to wear, carry, or transport a handgun without a permit:

16 (1) Holders of special police commissions issued under Title 4, Subtitle 9
17 of Article 41 of the Annotated Code of Maryland, while actually on duty on the
18 property for which the commission was issued or while traveling to or from such duty;

19 (2) Uniformed security guards, special railway police, and watchmen
20 who have been cleared for such employment by the Department of State Police, while
21 in the course of their employment or while traveling to or from the place of
22 employment;

23 (3) Guards in the employ of a bank, savings and loan association,
24 building and loan association, or express or armored car agency, while in the course of
25 their employment or while traveling to or from the place of employment; and

26 (4) Private detectives and employees of private detectives previously
27 licensed under former Article 56, § 90A of the Code, while in the course of their
28 employment or while traveling to or from the place of employment.

29 [(j)] (K) Each person referred to in subsection [(i)] (J) hereof shall, within one
30 year after March 27, 1972, make application for a permit as provided in this section.
31 Such application shall include evidence satisfactory to the Secretary of the State
32 Police that the applicant is trained and qualified in the use of handguns. The right to
33 wear, carry, or transport a handgun provided for in subsection [(i)] (J) hereof shall
34 terminate at the expiration of one year after March 27, 1972, if no such application is
35 made, or immediately upon notice to the applicant that his application for a permit
36 has not been approved.

37 [(k)] (L) As used in this section, Secretary means the Secretary of the State
38 Police, acting directly or through duly authorized officers and agents of the Secretary.

39 [(l)] (M) It is unlawful for a person to whom a permit has been issued or
40 renewed to carry, wear, or transport a handgun while he is under the influence of

1 alcohol or drugs. A person violating this subsection is guilty of a misdemeanor, and
2 upon conviction he shall be fined \$1,000 or be imprisoned for not more than one year
3 or both.

4 443.

5 (a) No person shall engage in the business of selling, renting, or transferring
6 regulated firearms unless he lawfully possesses and conspicuously displays at his
7 place of business, in addition to any other license required by law, a regulated
8 firearms dealer's license issued by the Secretary. Such license shall identify the
9 licensee and the location of the licensee's place of business. One such license shall be
10 required for each place of business where regulated firearms are sold.

11 (b) (1) The license required by subsection (a) above shall expire on the 30th
12 day of June of each year.

13 (2) The initial fee for the license shall be \$50, and the annual renewal
14 shall be \$25, payable to the Comptroller of the State of Maryland.

15 (3) The license shall not be transferable nor shall any refund or
16 proration of the annual fee therefor be allowed. Provided, however, that before any
17 licensee changes his or her place of business, the licensee shall so inform the
18 Secretary and surrender his or her license, whereupon the Secretary shall, if no cause
19 exists for the revocation of the license, issue a new license, without fee, covering the
20 new place of business for the duration of the unexpired term of the surrendered
21 license.

22 [(4) As part of the application for a license, the applicant shall submit to
23 the Department of State Police:

24 (i) A complete set of the applicant's legible fingerprints taken on
25 standard fingerprint cards; and

26 (ii) Payment for the cost of the fingerprint card record checks.]

27 (C) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE
28 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE
29 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

30 (2) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE CENTRAL
31 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
32 EACH APPLICANT.

33 (3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
34 CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE CENTRAL
35 REPOSITORY:

36 (I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
37 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL
38 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

6 (4) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
7 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
8 APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED STATEMENT OF
9 THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

10 (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
11 THIS SECTION SHALL BE:

12 (I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

13 (II) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY
14 THIS SECTION.

15 (6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
16 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED
17 BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
18 PROCEDURE ARTICLE.

19 [(c)] (D) Every annual application for a regulated firearms dealer's license
20 shall bear the following legend: "Any false information supplied or statement made in
21 this application is a crime which may be punished by imprisonment for a period of not
22 more than 3 years, or a fine of not more than \$5,000 or both."

23 [(d)] (E) The application for a regulated firearms dealer's license shall contain
24 the following information:

25 (1) Applicant's name, address, Social Security number, place and date of
26 birth, height, weight, race, eye and hair color and signature. In the event the
27 applicant is a corporation, the application shall be completed and executed by a
28 corporate officer who is a resident of this State.

29 (2) A clear and recognizable photograph of the applicant, except where
30 such photograph has been submitted with a prior year's application.

31 (3) A set of the applicant's fingerprints, except where such fingerprints
32 have been submitted with a prior year's application.

33 (4) A statement by the applicant that he or she:

34 (i) Is a citizen of the United States.

35 (ii) Is at least 21 years of age.

36 (iii) Has never been convicted of:

- 1 1. A crime of violence;
 - 2 2. Any violation classified as a felony in this State;
 - 3 3. Any violation classified as a misdemeanor in this State
4 that carries a statutory penalty of more than 2 years; or
 - 5 4. Any violation classified as a common law offense where
6 the person received a term of imprisonment of more than 2 years.
- 7 (iv) Is not a fugitive from justice.
 - 8 (v) Is not a habitual drunkard.
 - 9 (vi) Is not an addict or a habitual user of any controlled dangerous
10 substances.
 - 11 (vii) Has never spent more than thirty consecutive days in any
12 medical institution for treatment of a mental disorder or disorders, unless there is
13 attached to the application a physician's certificate, issued within thirty days prior to
14 the date of application, certifying that the applicant is capable of possessing a pistol
15 or revolver without undue danger to himself or herself, or to others.

16 [(e)] (F) The Secretary shall conduct an investigation in order to determine
17 the truth or falsity of the information supplied and statements made in an application
18 for a regulated firearms dealer's license. If it be thereupon determined that any false
19 information or statement has been supplied or made by the applicant, a written
20 notification is received from the applicant's licensed attending physician that the
21 applicant is suffering from a mental disorder or disorders and is a danger to himself
22 or herself or to others, or that the application has not been properly completed, the
23 Secretary shall forward written notification to the prospective licensee of the
24 Secretary's disapproval of said application.

25 [(f)] (G) No person shall engage in the business of selling regulated firearms
26 whose application for a regulated firearms dealer's license has been disapproved,
27 unless such disapproval has been subsequently withdrawn by the Secretary or
28 overruled by the action of the courts pursuant to subsection [(g)] (H) below.

29 [(g)] (H) Any person aggrieved by the action of the Secretary may appeal the
30 disapproval of his or her application for a regulated firearms dealer's license to the
31 circuit court of the county where the applicant's intended place of business is to be
32 conducted. Such appeal must be filed not later than thirty days from the date written
33 notification of disapproval to the prospective licensee was mailed by the Secretary.
34 The court wherein an appeal is properly and timely filed shall affirm or reverse the
35 determination of disapproval rendered by the Secretary, depending upon whether it
36 finds that any false information or statement was supplied or made by the applicant,
37 or that the application was not properly completed. A further appeal to the Court of
38 Special Appeals may be prosecuted by either the Secretary or the applicant from the
39 decision reached by the circuit court in accordance with this subsection.

1 [(h)] (I) The Secretary shall suspend an issued regulated firearms dealer's
2 license by written notification forwarded to the licensee under any of the following
3 circumstances if the licensee:

4 (1) Is under indictment for a crime of violence; or

5 (2) Is arrested for any violation of this subheading that would prohibit
6 the purchase or possession of a regulated firearm.

7 [(i)] (J) The Secretary shall revoke an issued regulated firearm dealer's
8 license, by written notification forwarded to the licensee, under any of the following
9 circumstances:

10 (1) When it is discovered false information or statements have been
11 supplied or made in an application required by this section; or

12 (2) If the licensee:

13 (i) Is convicted of a crime of violence;

14 (ii) Is convicted of any violation classified as a felony in this State;

15 (iii) Is convicted of any violation classified as a misdemeanor in this
16 State that carries a statutory penalty of more than 2 years;

17 (iv) Is convicted of any violation classified as a common law offense
18 where the licensee received a term of imprisonment of more than 2 years;

19 (v) Is a fugitive from justice;

20 (vi) Is a habitual drunkard;

21 (vii) Is addicted to or a habitual user of any controlled dangerous
22 substance;

23 (viii) Has spent more than 30 consecutive days in any medical
24 institution for treatment of a mental disorder or disorders, unless the licensee
25 produces a physician's certificate, issued subsequent to the last period of
26 institutionalization, certifying that the licensee is capable of possessing a regulated
27 firearm without undue danger to himself or herself, or to others;

28 (ix) Has knowingly or willfully manufactured, offered to sell, or sold
29 a handgun not on the handgun roster in violation of § 36-I of this article; or

30 (x) Has knowingly or willfully participated in a straw purchase of a
31 regulated firearm.

32 [(j)] (K) No person shall engage in the business of selling regulated firearms
33 whose regulated firearms dealer's license has been suspended or revoked, unless such
34 suspension or revocation has been subsequently withdrawn by the Secretary or
35 overruled by the action of the courts pursuant to subsection [(k)] (L) below.

1 [(k)] (L) Any prospective dealer aggrieved by the action of the Secretary may
2 request a hearing within 30 days from the date when written notice was forwarded to
3 such aggrieved person by writing to the Secretary, who shall grant the hearing within
4 15 days of said request. Said hearing and subsequent proceedings of judicial review, if
5 any, thereupon following shall be conducted in accordance with the provisions of the
6 Administrative Procedure Act. A revocation shall not take effect while an appeal is
7 pending.

8 **Article - Business Occupations and Professions**

9 13-101.

10 (a) In this title the following words have the meanings indicated.

11 (B) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION
12 SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
13 CORRECTIONAL SERVICES.

14 13-203.

15 The Secretary and all members of the Department of State Police:

16 (1) shall treat as confidential any information obtained through an
17 investigation of an applicant for a license or for certification under this title; and

18 (2) unless required by a court order, may not divulge to a person who is
19 not a member of the Department of State Police any information obtained through an
20 investigation of an applicant for a license or for certification under this title.

21 13-301.

22 (a) Except as otherwise provided in this title, a person shall be licensed by the
23 Secretary as a private detective agency before the person may:

24 (1) conduct a business that provides private detective services in the
25 State; and

26 (2) solicit to engage in a business that provides private detective services
27 in the State.

28 (b) An individual or a firm may qualify for a license as a private detective
29 agency.

30 13-304.

31 (a) (1) An applicant for a license shall:

32 (i) submit to the Secretary an application on the form that the
33 Secretary provides;

34 (ii) submit the documents required under this section; and

1 (iii) pay to the Secretary the fees required under subsection (b) of
2 this section.

3 (2) If the applicant is a firm, the representative member shall complete
4 the application form and otherwise be responsible for the firm's compliance with this
5 section.

6 (b) (1) An applicant for a license shall pay to the Secretary an application
7 fee of:

8 (i) \$200, if the applicant is an individual; or

9 (ii) \$375, if the applicant is a firm; AND

10 (III) THE FEES AUTHORIZED UNDER SUBSECTION (C)(2) OF THIS
11 SECTION.

12 (2) (i) As part of the application for a license, the applicant shall
13 submit to the Secretary THE FINGERPRINTS REQUIRED UNDER SUBSECTION (C)(2)(I)
14 OF THIS SECTION[:

15 1. a complete set of the applicant's legible fingerprints taken
16 on standard fingerprint cards; and

17 2. payment for the cost of the fingerprint card record
18 checks].

19 (ii) If the applicant is a firm, the applicant shall pay the cost of the
20 fingerprint card record checks for each firm member.

21 (C) (1) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE CENTRAL
22 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
23 EACH APPLICANT.

24 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
25 CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE CENTRAL
26 REPOSITORY:

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

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

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

35 (3) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
36 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE

1 APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED STATEMENT OF
2 THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

3 (4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
4 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED
5 BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
6 PROCEDURE ARTICLE.

7 13-401.

8 (a) Except as provided under subsection (b) of this section, an individual shall
9 be certified by the Secretary as a private detective before the individual personally
10 may provide any private detective service in the State.

11 (b) An individual who is not certified as a private detective may provide
12 private detective services in the State if:

13 (1) the individual is employed by or has applied for employment with a
14 licensed private detective agency;

15 (2) the licensed private detective agency has submitted to the Secretary
16 the application of the individual for certification as a private detective, fingerprint
17 cards, and fees required under § 13-403 of this subtitle;

18 (3) after a preliminary background investigation, the Secretary
19 determines that the provision of private detective services by the individual would not
20 result in a potential threat to public safety; and

21 (4) the Secretary has not denied the application.

22 13-402.

23 An individual qualifies for certification as a private detective if the individual:

24 (1) holds a license;

25 (2) is a firm member of a licensed private detective agency; or

26 (3) (i) is an employee of or an applicant for employment with a
27 licensed private detective agency; and

28 (ii) meets the qualifications set forth under § 13-403 of this
29 subtitle.

30 13-403.

31 To qualify for certification as a private detective, an employee of or applicant for
32 employment with a licensed private detective agency shall:

33 (1) meet the standards set by the Secretary;

- 1 (2) submit to the Secretary:
- 2 (i) a sworn application on the form the Secretary provides; and
- 3 (ii) [2 sets of fingerprint cards marked with the applicant's
- 4 fingerprints] THE FINGERPRINTS REQUIRED UNDER § 13-304(C)(2)(I) OF THIS TITLE;
- 5 and
- 6 (3) pay to the Secretary:
- 7 (i) an application fee of \$50; and
- 8 (ii) [payment for the cost of the fingerprint card record checks]
- 9 THE FEES REQUIRED UNDER § 13-304(C)(2) OF THIS TITLE.

10 19-101.

11 (a) In this title the following words have the meanings indicated.

12 (B) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION

13 SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND

14 CORRECTIONAL SERVICES.

15 19-201.

16 Subject to the provisions of this title, the Secretary is responsible for the

17 licensing of security guard agencies and the regulation of those persons who provide

18 security guard services in the State.

19 19-304.

- 20 (a) (1) An applicant for a license shall:
- 21 (i) submit to the Secretary an application on the form that the
- 22 Secretary provides;
- 23 (ii) submit the documents required under this section; and
- 24 (iii) pay to the Secretary the fees required under subsection (b) of
- 25 this section.

26 (2) If the applicant is a firm, the representative member shall complete

27 the application form and otherwise be responsible for the firm's compliance with this

28 section.

- 29 (b) (1) An applicant for a license shall pay to the Secretary an application
- 30 fee of:
- 31 (i) \$200, if the applicant is an individual; or
- 32 (ii) \$375, if the applicant is a firm; AND

1 (III) THE FEES AUTHORIZED UNDER SUBSECTION (C) OF THIS
2 SECTION.

3 (2) (i) As part of the application for a license, the applicant shall
4 submit to the Secretary THE FINGERPRINTS REQUIRED UNDER SUBSECTION (C) OF
5 THIS SECTION[:

6 1. a complete set of the applicant's legible fingerprints taken
7 on standard fingerprint cards; and

8 2. payment for the cost of the fingerprint card record
9 checks].

10 (ii) If the applicant is a firm, the applicant shall pay the cost of the
11 fingerprint card record checks for each firm member.

12 (C) (1) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE CENTRAL
13 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
14 EACH APPLICANT.

15 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
16 CHECK, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE CENTRAL
17 REPOSITORY:

18 (I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE
19 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL
20 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

23 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
24 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
25 RECORDS CHECK.

26 (3) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
27 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
28 APPLICANT AND THE DEPARTMENT OF STATE POLICE A PRINTED STATEMENT OF
29 THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

30 (4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
31 THIS SECTION SHALL BE:

32 (I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

33 (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

34 (5) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
35 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED

1 BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
2 PROCEDURE ARTICLE.

3 19-402.

4 (a) To qualify for certification as a security guard, an individual shall:

5 (1) meet the standards set by the Secretary;

6 (2) be an employee of or an applicant for employment with a licensed
7 security guard agency;

8 (3) be of good moral character and reputation;

9 (4) submit to the licensed security guard agency, for forwarding to the
10 Secretary:

11 (i) a sworn application on the form the Secretary provides;

12 (ii) [two sets of fingerprint cards marked with the applicant's
13 fingerprints] THE FINGERPRINTS REQUIRED UNDER § 19-304(C) OF THIS TITLE; and

14 (iii) a nonrefundable application fee of \$15; and

15 (5) pay to the licensed security guard agency, for forwarding to the
16 Secretary, the [cost of the fingerprint card record checks] FEES AUTHORIZED UNDER
17 § 19-304(C) OF THIS TITLE.

18 (b) On receipt from an applicant for certification as a security guard, a
19 licensed security guard agency shall forward to the Secretary the applicant's
20 application form, fingerprint cards, and CRIMINAL HISTORY records [fee] CHECK
21 FEES.

22 19-404.1.

23 (a) By regulation, the Secretary shall stagger the terms of the certifications.

24 (b) Unless a certification is renewed for a 3-year term as provided in this
25 section, the certification expires on the date the Secretary sets.

26 (c) At least 90 days before a certification expires, the applicant shall mail to
27 the Secretary:

28 (1) a renewal application form;

29 (2) the amount of the renewal fee; and

30 (3) the amount of any late fee, as determined by the Secretary.

31 (d) An individual periodically may renew the certification for an additional
32 3-year term, if the individual:

- 1 (1) otherwise is entitled to be certified;
- 2 (2) pays to the Secretary:
- 3 (i) a renewal fee of \$10;
- 4 (ii) payment for the cost of a fingerprint card record check by the
5 Federal Bureau of Investigation; and
- 6 (iii) any late fee required under this subtitle; and
- 7 (3) submits to the Secretary a renewal application on the form that the
8 Secretary provides.

9 (e) (1) The Secretary shall renew the certification of each individual who
10 meets the requirements of this section.

11 (2) Within 5 days after the Secretary refuses to renew the certification of
12 an individual as a security guard, the Secretary shall send written notice of the
13 refusal to the individual who submitted the renewal application.

14 **Article - Business Regulation**

15 11-101.

16 (a) In this title the following words have the meanings indicated.

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

20 11-201.

21 There is a State Racing Commission in the Department.

22 11-204.

23 [(e) (1) On request of the Commission, each member of the Commission shall
24 provide the Commission with the individual's fingerprints.

25 (2) The fingerprints shall be taken by a representative of a law
26 enforcement agency of the State or federal government, an employee of the
27 Commission, or a qualified private security agency that the Commission designates.]

28 11-205.

29 [(e) (1) On request of the Commission, the executive director shall provide
30 the Commission with the individual's fingerprints.

1 (2) The fingerprints shall be taken by a representative of a law
2 enforcement agency of the State or federal government, an employee of the
3 Commission, or a qualified private security agency that the Commission designates.]

4 11-206.

5 [(e) (1) On request of the Commission, each employee of the Commission
6 shall provide the Commission with the individual's fingerprints.

7 (2) The fingerprints shall be taken by a representative of a law
8 enforcement agency of the State or federal government, an employee of the
9 Commission, or a qualified private security agency that the Commission designates.]

10 11-207.

11 [(d) (1) On request of the Commission, each additional employee and track
12 employee shall provide the Commission with the individual's fingerprints.

13 (2) The fingerprints shall be taken by a representative of a law
14 enforcement agency of the State or federal government, an employee of the
15 Commission, or a qualified private security agency that the Commission designates.]
16 11-312.

17 (a) On request of the Commission, the following individuals shall give the
18 Commission their fingerprints:

19 (1) each individual licensee;

20 (2) each individual member of an unincorporated association that is a
21 licensee;

22 (3) each officer or director of a corporation that is a licensee;

23 (4) each employee of a licensee who actively participates in the racing
24 action of the licensee; [and]

25 (5) each individual who actively participates in the racing action of a
26 licensee, including each agent, blacksmith, driver, apprentice jockey, jockey, manager,
27 owner, trainer, stable employee, and veterinarian;

28 (6) EACH MEMBER OF THE COMMISSION;

29 (7) THE EXECUTIVE DIRECTOR OF THE COMMISSION;

30 (8) EACH EMPLOYEE OF THE COMMISSION UNDER §§ 11-206 AND 11-207
31 OF THIS TITLE; AND

32 (9) EACH INDIVIDUAL WHO IS SUBJECT TO § 11-316 OF THIS SUBTITLE.

1 (b) [The fingerprints shall be taken by a representative of a law enforcement
2 agency of the State or federal government, an employee of the Commission, or a
3 qualified private security agency that the Commission designates] THE COMMISSION
4 SHALL:

5 (1) APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL
6 CRIMINAL HISTORY RECORDS CHECK FOR EACH INDIVIDUAL LISTED IN SUBSECTION
7 (A) OF THIS SECTION; AND

8 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
9 CHECK, SUBMIT TO THE CENTRAL REPOSITORY:

10 (I) A COMPLETE SET OF THE INDIVIDUAL'S LEGIBLE
11 FINGERPRINTS TAKEN ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL
12 REPOSITORY; AND

13 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
14 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

15 (C) (1) IN ADDITION TO A STATE CRIMINAL HISTORY RECORDS CHECK
16 UNDER THIS SECTION, THE COMMISSION MAY REQUIRE AN INDIVIDUAL LISTED IN
17 SUBSECTION (A) OF THIS SECTION TO OBTAIN A CRIMINAL HISTORY RECORDS CHECK
18 FROM THE FEDERAL BUREAU OF INVESTIGATION, THROUGH THE CENTRAL
19 REPOSITORY.

20 (2) FOR EACH APPLICANT WHO IS REQUIRED BY THE COMMISSION TO
21 OBTAIN A CRIMINAL HISTORY RECORDS CHECK FROM THE FEDERAL BUREAU OF
22 INVESTIGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION
23 SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL CRIMINAL HISTORY
24 RECORDS CHECK.

25 (3) AS PART OF THE APPLICATION FOR A NATIONAL CRIMINAL HISTORY
26 RECORDS CHECK, THE COMMISSION SHALL SUBMIT TO THE CENTRAL REPOSITORY:

27 (I) A COMPLETE SET OF THE INDIVIDUAL'S LEGIBLE
28 FINGERPRINTS TAKEN ON A FORM APPROVED BY THE DIRECTOR OF THE FEDERAL
29 BUREAU OF INVESTIGATION; AND

30 (II) THE MANDATORY PROCESSING FEE REQUIRED BY THE
31 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
32 RECORDS CHECK.

33 (D) (1) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
34 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
35 INDIVIDUAL AND THE COMMISSION THE INDIVIDUAL'S CRIMINAL HISTORY RECORD
36 INFORMATION.

37 (2) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
38 THIS SECTION SHALL BE:

- 1 (I) CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND
2 (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

3 (3) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
4 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED
5 BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
6 PROCEDURE ARTICLE.

7 11-316.

8 (a) Before a prospective buyer buys a majority controlling interest in a
9 licensee, the Commission shall review the personal and financial background of the
10 prospective buyer.

11 (b) (1) The Commission shall adopt regulations to carry out this section.

12 (2) The regulations shall:

13 (i) require a personal and financial background check of the
14 prospective buyer;

15 (ii) specify a period of time to review the required personal and
16 financial information before a purchase or transfer of racing days is made; and

17 (iii) require that notice and an invitation to comment be given to the
18 Legislative Policy Committee at least 15 days before final approval of a purchase or
19 transfer of racing days resulting from a purchase.

20 (3) The background check shall include:

21 (i) a review by a certified public accountant of certified financial
22 statements, including contingent or pledged liabilities, sufficient to determine the
23 ability of the prospective buyer to buy and maintain the licensee;

24 (ii) an income statement for the most recent year;

25 (iii) a statement of financial and related records of any person in
26 which the prospective buyer has at least a majority interest;

27 (iv) a disclosure of each financial interest in racing;

28 (v) a disclosure of each person who will have beneficial ownership
29 of the licensee as a result of the purchase;

30 (vi) a criminal [background review] HISTORY RECORDS CHECK
31 UNDER § 11-312 OF THIS SUBTITLE; and

32 (vii) a character review.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect October 1, 2002.