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

Introduced and read first time: February 13, 2002

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 18, 2002

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2002

CHAPTER _____

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

- 1 (1998 Replacement Volume and 2001 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article 27 - Crimes and Punishments
4 Section 36E and 443
5 Annotated Code of Maryland
6 (1996 Replacement Volume and 2001 Supplement)
- 7 BY repealing and reenacting, without amendments,
8 Article - Business Occupations and Professions
9 Section 13-101(a), 13-203, 13-301, 13-304(a), 13-401, 13-402, 19-101(a),
10 19-201, 19-304(a), and 19-404.1
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2001 Supplement)
- 13 BY adding to
14 Article - Business Occupations and Professions
15 Section 13-101(b), 13-304(c), 19-101(b), and 19-304(c)
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2001 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article - Business Occupations and Professions
20 Section 13-304(b), 13-403, 19-304(b), and 19-402
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2001 Supplement)
- 23 BY adding to
24 Article - Business Regulation
25 Section 11-101(c)
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2001 Supplement)
- 28 BY repealing and reenacting, without amendments,
29 Article - Business Regulation
30 Section 11-101(a) and 11-201
31 Annotated Code of Maryland
32 (1998 Replacement Volume and 2001 Supplement)
- 33 BY repealing
34 Article - Business Regulation
35 Section 11-204(e), 11-205(e), 11-206(e), and 11-207(d)
36 Annotated Code of Maryland

1 (1998 Replacement Volume and 2001 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Business Regulation

4 Section 11-312 and 11-316

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 2001 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 13-101(b) through (k), 13-304(c) through (i), 19-101(b)
9 through (k), and 19-304(c) through (i), respectively, of Article - Business Occupations
10 and Professions of the Annotated Code of Maryland be renumbered to be Section(s)
11 13-101(c) through (l), 13-304(d) through (j), 19-101(c) through (l), and 19-304(d)
12 through (j), respectively.

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

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

18 **Article 27 - Crimes and Punishments**

19 36E.

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

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

24 (2) Has not been convicted of a felony or of a misdemeanor for which a
25 sentence of imprisonment for more than one year has been imposed or, if convicted of
26 such a crime, has been pardoned or has been granted relief pursuant to Title 18, §
27 925(c) of the United States Code; and

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

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

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

33 1. A crime of violence;

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

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

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

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

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

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

15 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
16 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
17 RECORDS CHECK.

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

22 (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
23 THIS SECTION SHALL BE:

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

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

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

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

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

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

5 [(f)] (G) The Secretary may revoke any permit issued or renewed at any time
6 upon a finding that (i) the holder no longer satisfies the qualifications set forth in
7 subsection (a), or (ii) the holder of the permit has violated subsection [(e)] (F) hereof.
8 A person holding a permit which is revoked by the Secretary shall return the permit
9 to the Secretary within ten days after receipt of notice of the revocation. Any person
10 who fails to return a revoked permit in violation of this section shall be guilty of a
11 misdemeanor, and, upon conviction, shall be fined not less than \$100 or more than
12 \$1,000, or be imprisoned for not more than one year, or both.

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

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

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

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

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

39 (2) Any person whose application for a permit or renewal of a permit has
40 been rejected or whose permit has been revoked or limited may request the Board to
41 review the decision of the Secretary by filing a written request for review with the
42 Board within ten days after receipt of written notice of the Secretary's final action.

1 The Board shall, within 90 days after receipt of the request, either review the record
2 developed by the Secretary, or conduct a hearing. In conducting its review of the
3 decision of the Secretary, the Board may receive and consider any additional evidence
4 submitted by any party. Based upon its consideration of the record, and any
5 additional evidence, the Board shall either sustain, reverse or modify the decision of
6 the Secretary. If the action taken by the Board results in the rejection of an
7 application for a permit or renewal of a permit or the revocation or limitation of a
8 permit, the Board shall submit in writing to that person the reasons for the action
9 taken by the Board.

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

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

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

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

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

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

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

36 [(j)] (K) Each person referred to in subsection [(i)] (J) hereof shall, within one
37 year after March 27, 1972, make application for a permit as provided in this section.
38 Such application shall include evidence satisfactory to the Secretary of the State
39 Police that the applicant is trained and qualified in the use of handguns. The right to
40 wear, carry, or transport a handgun provided for in subsection [(i)] (J) hereof shall
41 terminate at the expiration of one year after March 27, 1972, if no such application is

1 made, or immediately upon notice to the applicant that his application for a permit
2 has not been approved.

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

5 [(l)] (M) It is unlawful for a person to whom a permit has been issued or
6 renewed to carry, wear, or transport a handgun while he is under the influence of
7 alcohol or drugs. A person violating this subsection is guilty of a misdemeanor, and
8 upon conviction he shall be fined \$1,000 or be imprisoned for not more than one year
9 or both.

10 443.

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

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

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

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

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

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

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

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

36 (2) THE DEPARTMENT OF STATE POLICE SHALL APPLY TO THE CENTRAL
37 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR
38 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 LICENSING PURPOSE AUTHORIZED BY
20 THIS SECTION.

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

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

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

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

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

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

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

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

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

6 (iii) Has never been convicted of:

7 1. A crime of violence;

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

9 3. Any violation classified as a misdemeanor in this State
10 that carries a statutory penalty of more than 2 years; or

11 4. Any violation classified as a common law offense where
12 the person received a term of imprisonment of more than 2 years.

13 (iv) Is not a fugitive from justice.

14 (v) Is not a habitual drunkard.

15 (vi) Is not an addict or a habitual user of any controlled dangerous
16 substances.

17 (vii) Has never spent more than thirty consecutive days in any
18 medical institution for treatment of a mental disorder or disorders, unless there is
19 attached to the application a physician's certificate, issued within thirty days prior to
20 the date of application, certifying that the applicant is capable of possessing a pistol
21 or revolver without undue danger to himself or herself, or to others.

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

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

35 [(g)] (H) Any person aggrieved by the action of the Secretary may appeal the
36 disapproval of his or her application for a regulated firearms dealer's license to the

1 circuit court of the county where the applicant's intended place of business is to be
2 conducted. Such appeal must be filed not later than thirty days from the date written
3 notification of disapproval to the prospective licensee was mailed by the Secretary.
4 The court wherein an appeal is properly and timely filed shall affirm or reverse the
5 determination of disapproval rendered by the Secretary, depending upon whether it
6 finds that any false information or statement was supplied or made by the applicant,
7 or that the application was not properly completed. A further appeal to the Court of
8 Special Appeals may be prosecuted by either the Secretary or the applicant from the
9 decision reached by the circuit court in accordance with this subsection.

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

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

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

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

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

21 (2) If the licensee:

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

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

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

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

28 (v) Is a fugitive from justice;

29 (vi) Is a habitual drunkard;

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

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

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

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

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

9 [(k)] (L) Any prospective dealer aggrieved by the action of the Secretary may
10 request a hearing within 30 days from the date when written notice was forwarded to
11 such aggrieved person by writing to the Secretary, who shall grant the hearing within
12 15 days of said request. Said hearing and subsequent proceedings of judicial review, if
13 any, thereupon following shall be conducted in accordance with the provisions of the
14 Administrative Procedure Act. A revocation shall not take effect while an appeal is
15 pending.

16 **Article - Business Occupations and Professions**

17 13-101.

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

19 (B) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION
20 SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
21 CORRECTIONAL SERVICES.

22 13-203.

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

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

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

29 13-301.

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

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

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

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

3 13-304.

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

5 (i) submit to the Secretary an application on the form that the
6 Secretary provides;

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

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

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

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

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

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

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

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

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

24 2. payment for the cost of the fingerprint card record
25 checks].

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

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

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

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

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

6 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
7 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
8 RECORDS CHECK.

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

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

17 13-401.

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

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

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

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

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

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

32 13-402.

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

34 (1) holds a license;

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

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

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

5 13-403.

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

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

9 (2) submit to the Secretary:

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

11 (ii) [2 sets of fingerprint cards marked with the applicant's
12 fingerprints] THE FINGERPRINTS REQUIRED UNDER § 13-304(C)(2)(I) OF THIS TITLE;
13 and

14 (3) pay to the Secretary:

15 (i) an application fee of \$50; and

16 (ii) [payment for the cost of the fingerprint card record checks]
17 THE FEES REQUIRED UNDER § 13-304(C)(2) OF THIS TITLE.

18 19-101.

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

20 (B) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION
21 SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
22 CORRECTIONAL SERVICES.

23 19-201.

24 Subject to the provisions of this title, the Secretary is responsible for the
25 licensing of security guard agencies and the regulation of those persons who provide
26 security guard services in the State.

27 19-304.

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

29 (i) submit to the Secretary an application on the form that the
30 Secretary provides;

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

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

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

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

11 19-402.

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

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

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

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

17 (4) submit to the licensed security guard agency, for forwarding to the
18 Secretary:

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

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

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

23 (5) pay to the licensed security guard agency, for forwarding to the
24 Secretary, the [cost of the fingerprint card record checks] FEES AUTHORIZED UNDER
25 § 19-304(C) OF THIS TITLE.

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

30 19-404.1.

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

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

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

- 3 (1) a renewal application form;
- 4 (2) the amount of the renewal fee; and
- 5 (3) the amount of any late fee, as determined by the Secretary.

6 (d) An individual periodically may renew the certification for an additional
7 3-year term, if the individual:

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

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

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

21 **Article - Business Regulation**

22 11-101.

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

24 (C) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION
25 SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
26 CORRECTIONAL SERVICES.

27 11-201.

28 There is a State Racing Commission in the Department.

29 11-204.

30 [(e) (1) On request of the Commission, each member of the Commission shall
31 provide 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 11-205.

5 [(e) (1) On request of the Commission, the executive director shall provide
6 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 11-206.

11 [(e) (1) On request of the Commission, each employee of the Commission
12 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 11-207.

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

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

22 11-312.

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

25 (1) each individual licensee;

26 (2) each individual member of an unincorporated association that is a
27 licensee;

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

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

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

34 (6) EACH MEMBER OF THE COMMISSION;

1 (7) THE EXECUTIVE DIRECTOR OF THE COMMISSION;

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

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

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

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

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

14 (I) A COMPLETE SET OF THE INDIVIDUAL'S LEGIBLE
15 FINGERPRINTS TAKEN ON A FORM APPROVED BY THE DIRECTOR OF THE CENTRAL
16 REPOSITORY; AND

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

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

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

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

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

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

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

5 (2) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
6 THIS SECTION SHALL BE:

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

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

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

13 11-316.

14 (a) Before a prospective buyer buys a majority controlling interest in a
15 licensee, the Commission shall review the personal and financial background of the
16 prospective buyer.

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

18 (2) The regulations shall:

19 (i) require a personal and financial background check of the
20 prospective buyer;

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

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

26 (3) The background check shall include:

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

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

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

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

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

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

5 (vii) a character review.

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