
By: **Washington County Delegation**
Introduced and read first time: February 7, 2003
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2003

CHAPTER _____

1 AN ACT concerning

2 **Washington County - Prospective County Employees - Criminal History**
3 **Records Checks and Background Investigations**

4 FOR the purpose of permitting the County Administrator of Washington County to
5 request State and national criminal history records checks ~~from either certain~~
6 ~~State governmental agencies or independent private investigation agencies~~ or
7 background investigations for prospective employees of Washington County
8 under certain circumstances; requiring the County Administrator of Washington
9 County to pay certain fees ~~either to certain State governmental agencies or to an~~
10 independent private investigation ~~agencies~~ agency under certain circumstances;
11 authorizing the County Commissioners to adopt certain regulations; defining a
12 certain term; and generally relating to criminal history records checks and
13 background investigations for prospective employees of Washington County.

14 BY adding to
15 Article - Criminal Procedure
16 Section 10-235
17 Annotated Code of Maryland
18 (2001 Volume and 2002 Supplement)

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

1

Article - Criminal Procedure

2 10-235.

3 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE
4 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
5 SAFETY AND CORRECTIONAL SERVICES.

6 ~~(A)~~ (B) THE COUNTY ADMINISTRATOR IN WASHINGTON COUNTY MAY
7 REQUEST WITH REFERENCE TO A PROSPECTIVE EMPLOYEE OF WASHINGTON
8 COUNTY:

9 (1) A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FROM
10 THE CENTRAL REPOSITORY ~~OR THROUGH; OR~~

11 (2) A BACKGROUND INVESTIGATION FROM AN INDEPENDENT PRIVATE
12 INVESTIGATION AGENCY FOR A PROSPECTIVE EMPLOYEE OF WASHINGTON COUNTY.

13 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
14 CHECK, THE COUNTY ADMINISTRATOR OF WASHINGTON COUNTY SHALL SUBMIT TO
15 THE CENTRAL REPOSITORY:

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

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

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

25 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THE CRIMINAL
26 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
27 PROSPECTIVE EMPLOYEE AND THE COUNTY ADMINISTRATOR OF WASHINGTON
28 COUNTY THE PROSPECTIVE EMPLOYEE'S CRIMINAL HISTORY RECORD
29 INFORMATION.

30 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
31 THIS SECTION:

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

33 (II) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE
34 AUTHORIZED BY THIS SECTION.

35 (4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
36 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 ~~(B)~~ (D) THE COUNTY ADMINISTRATOR OF WASHINGTON COUNTY SHALL PAY
4 TO ~~THE DEPARTMENT OR~~ THE INDEPENDENT PRIVATE INVESTIGATION AGENCY THE
5 FEE THAT IS IMPOSED FOR EACH REQUEST MADE UNDER SUBSECTION ~~(A)~~ (B) OF THIS
6 SECTION.

7 ~~(C)~~ (E) THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY MAY
8 ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT THIS SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2003.