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By: **Prince George's County Delegation**

Introduced and read first time: February 4, 2004

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County - Employees - Criminal History Records Checks**  
3 **PG 314-04**

4 FOR the purpose of authorizing the ~~County Administrator~~ Chief Administrative  
5 Officer of Prince George's County to request State or national criminal history  
6 records checks from the Criminal Justice Information System Central  
7 Repository for certain prospective employees; requiring the County  
8 ~~Administrator~~ to pay the Department of Public Safety and Correctional Services  
9 certain fees; requiring the County Executive to propose and the County Council  
10 to adopt guidelines to carry out this Act; and generally relating to employee  
11 criminal history records checks in Prince George's County.

12 BY repealing and reenacting, without amendments,  
13 Article - Criminal Procedure  
14 Section 1-101(f) and 10-201(c) and (d)  
15 Annotated Code of Maryland  
16 (2001 Volume and 2003 Supplement)

17 BY adding to  
18 Article - Criminal Procedure  
19 Section 10-236  
20 Annotated Code of Maryland  
21 (2001 Volume and 2003 Supplement)

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

**Article - Criminal Procedure**

1-101.

(f) "Department" means the Department of Public Safety and Correctional Services.

10-201.

(c) "Central Repository" means the Criminal Justice Information System Central Repository established under § 10-213 of this subtitle.

(d) (1) "Criminal history record information" means data that are developed or collected by a criminal justice unit about a person and that pertain to a reportable event.

(2) "Criminal history record information" includes:

(i) data from a unit that is required to report to the Central Repository under Title 3 of this article;

(ii) data about a person following waiver of jurisdiction by a juvenile court; and

(iii) data described under §§ 10-215(a)(21) and (22) and 10-216 of this subtitle.

(3) "Criminal history record information" does not include:

(i) data contained in intelligence or investigatory files or police work product records used only for police investigations;

(ii) except as provided in paragraph (2)(ii) and (iii) of this subsection, data about a proceeding under Title 3, Subtitle 8A of the Courts Article;

(iii) wanted posters, police blotter entries, court records of public judicial proceedings, or published court opinions;

(iv) data about a violation of:

1. a traffic law of this State or any other traffic law, ordinance, or regulation;

2. a local ordinance or a State or local regulation; or

3. the Natural Resources Article or a public local law;

(v) data about the point system established by the Motor Vehicle Administration under Title 16 of the Transportation Article; or

1 (vi) a presentence investigation report or other report that a  
2 probation department prepares for a court to use in the exercise of criminal  
3 jurisdiction or for the Governor to use in the exercise of the Governor's power to grant  
4 a pardon, reprieve, commutation, or nolle prosequi.

5 10-236.

6 (A) ~~THE COUNTY ADMINISTRATOR~~ CHIEF ADMINISTRATIVE OFFICER OF  
7 PRINCE GEORGE'S COUNTY MAY REQUEST A STATE OR NATIONAL CRIMINAL HISTORY  
8 RECORDS CHECK FROM THE CENTRAL REPOSITORY FOR A PROSPECTIVE EMPLOYEE  
9 OF PRINCE GEORGE'S COUNTY.

10 (B) ~~THE COUNTY ADMINISTRATOR OF PRINCE GEORGE'S COUNTY~~ SHALL PAY  
11 TO THE DEPARTMENT THE FEE THAT THE DEPARTMENT IMPOSES FOR EACH  
12 REQUEST MADE UNDER SUBSECTION (A) OF THIS SECTION.

13 (C) THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL PROPOSE  
14 AND THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY SHALL ADOPT  
15 GUIDELINES TO CARRY OUT THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2004.