

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 825 (Senator Jacobs)
Judicial Proceedings

**Family Law - Criminal Background Investigation for Employees and Other
Individuals Who Care for or Supervise Children**

This bill exempts individuals under the age of 17 from the required national and State criminal history records check if they are employees or volunteers who care for or supervise children at a licensed child care center; a registered family day care home; a licensed child care home; a licensed child care institution; a juvenile facility; a public school; a private or nonpublic school; a foster care family home or group facility; a recreation center or program operated by the State or a local government primarily serving minors; or a day or residential camp primarily serving minors.

Fiscal Summary

State Effect: None. Although this bill would reduce the number of criminal background checks conducted by the Department of Public Safety and Correctional Services' (DPSCS) Criminal Justice Information System (CJIS), the fees collected only cover the cost of conducting the checks. The number of such juvenile checks covered under this bill is minimal.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The following facilities must require employers and employees to obtain a criminal history records check: (1) a licensed child care center; (2) a registered family day care home; (3) a licensed child care home; (4) a licensed child care institution; (5) a

juvenile detention, correction, or treatment facility; (6) a public school; (7) a private or nonpublic school; (8) a foster care family home or group facility; (9) a recreation center or program operated by the State or a local government primarily serving minors; or (10) a day or residential camp primarily serving minors.

An employer at any one of these facilities may require a volunteer to obtain a criminal history records check. An employer at a facility other than one of those listed above who employs individuals to work with children may require employees and volunteers to obtain a criminal history records check. A local department of social services may require a volunteer who works with children to obtain a criminal history records check.

Events that must be reported to CJIS include an adjudication of a child as delinquent if the child is at least 14 and is alleged to have committed an act which, if committed by an adult, would be punishable by death or life imprisonment, as well as other charges arising out of the same incident, unless an order removing the proceeding to the court was filed.

Also reportable is an adjudication of a child as delinquent if the child is at least 16 and allegedly committed certain crimes including abduction, kidnapping, second degree murder, manslaughter (except for involuntary manslaughter), second degree rape, and robbery. All other charges arising out of the same incident are reportable as well, unless an order removing the proceeding to the court has been filed.

An adjudication of a child as a delinquent is reportable if the child is at least 16 and was previously convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed.

Background: DPSCS's CJIS Central Repository collects, manages, and disseminates Maryland Criminal History Record (CHR) information for criminal justice and noncriminal justice purposes, such as employment and licensing. Fingerprints are used to identify individuals. The cost per applicant is \$52 for a State and national CHR check: a \$24 FBI fee, an \$18 CJIS fee, and \$10 for two fingerprint cards.

Additional Information

Prior Introductions: None.

Cross File: HB 1479 (Delegate McComas, *et al.*) – Health and Government Operations.

Information Source(s): Department of Human Resources, Department of Public Safety and Correctional Services, Department of Legislative Services

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mh/hlb

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