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By: **Delegates Rosenberg, Patterson, and Zirkin**

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Criminal History Records Check Costs - Waiver for Volunteers**

3 FOR the purpose of waiving certain costs and fees for certain volunteers at certain  
4 facilities and local departments of social services who are required to obtain a  
5 criminal history records check; and generally relating to volunteers and criminal  
6 history records checks.

7 BY repealing and reenacting, without amendments,  
8 Article - Family Law  
9 Section 5-561(d), (e), (f), (g), and (i)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2005 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 5-561(h)  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2005 Supplement)

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

19 **Article - Family Law**

20 5-561.

21 (d) An employer at a facility under subsection (b) of this section may require a  
22 volunteer at the facility to obtain a criminal history records check under this Part VI  
23 of this subtitle.

24 (e) A local department may require a volunteer of that department who works  
25 with children to obtain a criminal history records check under this Part VI of this  
26 subtitle.

1 (f) An employer at a facility not identified in subsection (b) of this section who  
2 employs individuals to work with children may require employees, including  
3 volunteers, to obtain a criminal history records check under this Part VI of this  
4 subtitle.

5 (g) An employer, as defined in § 5-560(e)(2) of this subtitle, shall require an  
6 employee, as defined in § 5-560(d)(2) of this subtitle, to obtain a criminal history  
7 records check under this Part VI of this subtitle.

8 (h) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
9 person who is required to have a criminal history records check under this Part VI of  
10 this subtitle shall pay for:

11 [(1)] (I) the mandatory processing fee required by the Federal Bureau of  
12 Investigation for a national criminal history records check;

13 [(2)] (II) reasonable administrative costs to the Department, not to  
14 exceed 10% of the processing fee; and

15 [(3)] (III) the fee authorized under § 10-221(b)(7) of the Criminal  
16 Procedure Article for access to Maryland criminal history records.

17 (2) A VOLUNTEER WHO IS REQUIRED TO OBTAIN A CRIMINAL HISTORY  
18 RECORDS CHECK UNDER SUBSECTION (D), (E), OR (F) OF THIS SECTION IS NOT  
19 REQUIRED TO PAY FOR COSTS OR FEES UNDER ITEMS (1)(II) AND (III) OF THIS  
20 SUBSECTION.

21 (i) (1) An employer or other party may pay for the costs borne by the  
22 employee or other individual under subsection (h) of this section.

23 (2) The local department shall reimburse:

24 (i) an adult residing in a foster care home for the costs borne by the  
25 individual under subsection (h) of this section; and

26 (ii) an individual described in subsection (c)(4)(ii) of this section for  
27 the costs borne by the individual under subsection (h) of this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2006.