

CHAPTER 521

(Senate Bill 152)

AN ACT concerning

Family Law – Criminal History Records Check Costs – Exemption for Volunteers

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

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–561(d), (e), (f), (g), and (i)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–561(h)
Annotated Code of Maryland
(2006 Replacement Volume)

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

Article – Family Law

5–561.

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

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

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

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

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

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

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

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

(2) A VOLUNTEER UNDER SUBSECTION (D), (E), OR (F) OF THIS SECTION WHO VOLUNTEERS FOR A PROGRAM THAT IS REGISTERED WITH THE MARYLAND MENTORING PARTNERSHIP IS NOT REQUIRED TO PAY FOR COSTS OR FEES UNDER PARAGRAPH (1)(II) AND (III) OF THIS SUBSECTION.

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

(2) The local department shall reimburse:

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

Approved by the Governor, May 17, 2007.