

HOUSE BILL 165

E2

8lr0753

By: **Howard County Delegation**

Introduced and read first time: January 21, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 12, 2008

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Criminal History Records Checks – Fingerprinting**
3 **Requirement**

4 **Ho. Co. 05-08**

5 FOR the purpose of ~~requiring a person who is the subject of a request from the County~~
6 ~~Administrator of Howard County for a criminal history records check that~~
7 ~~requires that information be obtained from the Federal Bureau of Investigation~~
8 ~~to submit to the Department of Public Safety and Correctional Services a~~
9 ~~complete and legible set of the person's fingerprints on standard fingerprint~~
10 ~~cards~~ altering certain provisions relating to requests for a criminal history
11 records check for prospective employees of Howard County; requiring the
12 Administrator of Howard County to apply to the Criminal Justice Information
13 System Central Repository for a criminal history records check for a prospective
14 employee of the county; requiring the Administrator to submit certain
15 information and fees with the application; requiring the Central Repository to
16 forward certain criminal history record information to the prospective employee
17 and to the Administrator; specifying that certain information obtained from the
18 Central Repository is confidential and may not be disseminated and shall be
19 used only for a certain purpose; authorizing the subject of a criminal history
20 records check to contest, in a certain manner, the contents of the printed
21 statement issued by the Central Repository; and generally relating to certain
22 criminal history records checks in Howard County.

23 BY repealing and reenacting, with amendments,
24 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 10-233
2 Annotated Code of Maryland
3 (2001 Volume and 2007 Supplement)

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

6 **Article - Criminal Procedure**

7 10-233.

8 (a) The County Administrator of Howard County ~~may request~~ **SHALL APPLY**
9 **TO THE CENTRAL REPOSITORY FOR** a State and national criminal history records
10 check ~~from the Central Repository for a~~ **FOR EACH** prospective employee of Howard
11 County.

12 (b) ~~The County Administrator of Howard County shall pay to the~~
13 ~~Department the fee that the Department imposes for each request made under~~
14 ~~subsection (a) of this section.~~

15 (c) ~~IF THE REQUEST FOR A CRIMINAL HISTORY RECORDS CHECK~~
16 ~~UNDER SUBSECTION (A) OF THIS SECTION REQUIRES THAT INFORMATION BE~~
17 ~~OBTAINED FROM THE FEDERAL BUREAU OF INVESTIGATION, THE PERSON WHO~~
18 ~~IS THE SUBJECT OF THE REQUEST SHALL SUBMIT TO THE DEPARTMENT A~~
19 ~~COMPLETE AND LEGIBLE SET OF THE PERSON'S FINGERPRINTS ON STANDARD~~
20 ~~FINGERPRINT CARDS.~~

21 (b) **AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**
22 **CHECK, THE ADMINISTRATOR OF HOWARD COUNTY SHALL SUBMIT TO THE**
23 **CENTRAL REPOSITORY:**

24 (1) **TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE'S**
25 **LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF**
26 **THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
27 **INVESTIGATION;**

28 (2) **THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS**
29 **SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND**

30 (3) **THE MANDATORY PROCESSING FEE REQUIRED BY THE**
31 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
32 **RECORDS CHECK.**

33 (c) **IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL REPOSITORY**
34 **SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE AND THE ADMINISTRATOR**

1 OF HOWARD COUNTY THE PROSPECTIVE EMPLOYEE'S CRIMINAL HISTORY
2 RECORD INFORMATION.

3 (D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
4 THIS SECTION:

5 (1) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

6 (2) SHALL BE USED ONLY FOR THE EMPLOYMENT PURPOSE
7 AUTHORIZED BY THIS SECTION.

8 (E) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER
9 THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT
10 ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER § 10-223 OF THIS
11 SUBTITLE.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.