

HOUSE BILL 318

E2

8lr1750
CF SB 252

By: **Delegate Love**

Introduced and read first time: January 24, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2008

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Prospective or Current Employees or Volunteers –**
3 **Criminal History Records Checks**

4 FOR the purpose of altering the requirements for the ~~Director of Administration~~
5 Personnel Officer of Anne Arundel County to request State and national
6 criminal records checks from the Criminal Justice Information System Central
7 Repository for a prospective or current employee or volunteer; requiring the
8 ~~Director of Administration~~ Personnel Officer of Anne Arundel County to submit
9 certain items to the Central Repository; requiring the Central Repository to
10 forward the prospective or current employee's or volunteer's criminal history
11 information to the prospective or current employee or volunteer and the
12 ~~Director of Administration~~ Personnel Officer of Anne Arundel County; providing
13 that certain information obtained from the Central Repository is confidential,
14 may not be redisseminated, and may only be used for a certain ~~employment~~
15 personnel-related purpose; authorizing the subject of a certain criminal history
16 records check to contest the contents of a certain printed statement; ~~authorizing~~
17 requiring the County Council to adopt guidelines to carry out this Act; defining
18 a certain term; and generally relating to criminal history records checks for
19 prospective or current employees or volunteers in Anne Arundel County.

20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure
22 Section 10–231
23 Annotated Code of Maryland
24 (2001 Volume and 2007 Supplement)

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

3 **Article – Criminal Procedure**

4 10-231.

5 (a) **IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL**
6 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
7 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

8 (B) [In accordance with guidelines that the Anne Arundel County Council
9 adopts by resolution, the] ~~THE Director of Administration~~ **PERSONNEL OFFICER** of
10 Anne Arundel County ~~[may request]~~ ~~SHALL APPLY TO~~ **FROM THE CENTRAL**
11 **REPOSITORY FOR** a State and national criminal history records check [from the
12 Central Repository] for ~~[a]~~ ~~EACH~~ prospective ~~employee~~ **OR CURRENT EMPLOYEE OR**
13 **VOLUNTEER** of Anne Arundel County.

14 [(b) The Director of Administration shall pay to the Department the fee
15 imposed by the Department for each request made under subsection (a) of this
16 section.]

17 (C) (1) **AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
18 **RECORDS CHECK, THE ~~DIRECTOR OF ADMINISTRATION~~ PERSONNEL OFFICER**
19 **OF ANNE ARUNDEL COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

20 (I) **TWO COMPLETE SETS OF THE PROSPECTIVE**
21 **EMPLOYEE’S OR CURRENT EMPLOYEE’S OR VOLUNTEER’S LEGIBLE**
22 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
23 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
24 **INVESTIGATION;**

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

27 (III) **THE MANDATORY PROCESSING FEE REQUIRED BY THE**
28 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
29 **RECORDS CHECK.**

30 (2) **IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS**
31 **SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE**
32 **EMPLOYEE OR CURRENT EMPLOYEE OR VOLUNTEER AND THE ~~DIRECTOR OF~~**
33 **~~ADMINISTRATION~~ PERSONNEL OFFICER OF ANNE ARUNDEL COUNTY THE**
34 **PROSPECTIVE EMPLOYEE’S OR CURRENT EMPLOYEE’S OR VOLUNTEER’S**
35 **CRIMINAL HISTORY RECORD INFORMATION.**

1 **(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
2 **UNDER THIS SECTION:**

3 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
4 **AND**

5 **(II) MAY BE USED ONLY FOR ~~THE EMPLOYMENT A~~**
6 **PERSONNEL-RELATED PURPOSE CONCERNING A PROSPECTIVE OR CURRENT**
7 **EMPLOYEE OR VOLUNTEER OF THE COUNTY AS AUTHORIZED BY THIS SECTION.**

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

12 **(D) THE ANNE ARUNDEL COUNTY COUNCIL ~~MAY~~ SHALL ADOPT**
13 **GUIDELINES TO CARRY OUT THIS SECTION.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.