

CHAPTER 646

(House Bill 165)

AN ACT concerning

Howard County – Criminal History Records Checks – Fingerprinting Requirement

Ho. Co. 05-08

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

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10-233
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Article – Criminal Procedure

10-233.

(a) The County Administrator of Howard County ~~may request~~ **SHALL APPLY TO THE CENTRAL REPOSITORY FOR** a State and national criminal history records

check ~~from the Central Repository for a~~ **FOR EACH** prospective employee of Howard County.

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

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

(B) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATOR OF HOWARD COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

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

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

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

(C) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE AND THE ADMINISTRATOR OF HOWARD COUNTY THE PROSPECTIVE EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

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

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

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

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

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

Approved by the Governor, May 22, 2008.