

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 318

(Delegate Love)

Judiciary

Judicial Proceedings

**Anne Arundel County - Prospective or Current Employees or Volunteers -
Criminal History Records Checks**

This bill authorizes the Personnel Officer of Anne Arundel County to request a State and national criminal history records check for a prospective or current employee or volunteer of the county from the Central Repository of the Criminal Justice Information System (CJIS). The Personnel Officer must submit two complete and legible sets of a prospective or current employee's or volunteer's fingerprints to the Central Repository on approved forms, as well as specified fees, as part of an application for a State and federal criminal history records check. The Central Repository is required to forward the individual's criminal history record to the Personnel Officer and the individual.

Information obtained by the Central Repository is confidential, may not be disseminated, and may only be used for the personnel-related purposes of these provisions. The bill allows the subject of such a records check to contest the contents of the printed statement issued by the Central Repository. Anne Arundel County is authorized to adopt regulations to implement these provisions.

Fiscal Summary

State Effect: None.

Local Effect: The bill would bring statutory language into technical compliance with FBI standards for completing national criminal history records check requests made by Anne Arundel County for prospective or current employees or volunteers of the county.

Small Business Effect: None.

Analysis

Current Law: The Director of Administration for Anne Arundel County may request a State and national criminal history records check from the Central Repository for a prospective employee of the county. Any such request must be in accordance with guidelines adopted by the county council.

Background: The Criminal Justice Information System Central Repository within the Department of Public Safety and Correctional Services collects, manages, and disseminates Maryland Criminal History Record Information (CHRI) for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

CJIS is a fingerprint-supported system for positive identification. Fingerprints can be taken at many police departments, private organizations that have been certified by CJIS-CR, and the CJIS Customer Service Center at Reisterstown Road Plaza in Baltimore. Fingerprints may also be taken at MVA “Hazmat” sites. The CJIS Customer Service Center charges a \$20 flat fingerprinting fee and the Maryland State Police charges \$5.00 per fingerprint card to offset the cost of taking the fingerprints. Local police departments and private organizations charge varying fees for fingerprinting. One fingerprint card is required for a Maryland-only CHRI check; two fingerprint cards (Maryland/FBI) are needed for a State and national CHRI check.

When a state mandates a national check, the FBI requires that the national check be set in statute. The FBI charges a fee of \$19.25 for a national CHRI check. In the case of volunteers who work with children, the elderly, or the disabled, the FBI only charges an \$18.00 fee. The CJIS Central Repository collects the fee from the applicant and reimburses the FBI. The CJIS Central Repository is authorized by law to collect a fee for providing CHRI for purposes other than criminal justice. COMAR 12.15.01.14A sets the fee at \$18.00. Revenue from these fees is used to provide the service.

Representative costs to an applicant:

<u>State and National CHRI Check</u>	<u>Maryland CHRI Check</u>
\$19.25 FBI Fee	
18.00 CJIS Fee	\$18.00 CJIS Fee
<u>20.00</u> Fingerprint Fee	<u>20.00</u> Fingerprinting Fee
\$57.25 Total	\$38.00 Total

The FBI's General Counsel has advised Anne Arundel County that the current authorization provisions do not meet current federal requirements. The bill would bring the county into compliance.

Additional Information

Prior Introductions: None.

Cross File: SB 252 (Senator Astle) – Judicial Proceedings.

Information Source(s): Anne Arundel County, Department of Public Safety and Correctional Services, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510