

**SB0106/644733/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 106

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “, require” in line 9 down through “units” in line 10 and substitute “; requiring the Board to apply for certain criminal records and to submit certain information and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; requiring the Central Repository to forward certain information to an applicant and the Board; providing that certain information is confidential, may not be disseminated, and may be used only for a certain purpose”; in line 17, after “Board;” insert “adding Anne Arundel County to a list of jurisdictions in which a certain court may remand certain proceedings to the local licensing board;”; in line 19, strike “a certain term” and substitute “certain terms; providing for the application of a certain provision of this Act”; and in line 26, after “(5)(iii),” insert “16-101(e)(4),”.

AMENDMENT NO. 2

On pages 7 and 8, strike beginning with “IN” in line 27 on page 7 down through “CHECK” in line 9 on page 8 and substitute:

**1. THIS SUBPARAGRAPH APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

**2. IN THIS SUBPARAGRAPH, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

**3. THE BOARD OF LICENSE COMMISSIONERS SHALL OBTAIN CRIMINAL RECORDS OF EACH ALCOHOLIC BEVERAGES LICENSE**

(Over)

APPLICANT FROM THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT AND THE CENTRAL REPOSITORY.

4. THE BOARD OF LICENSE COMMISSIONERS SHALL APPLY TO THE CENTRAL REPOSITORY FOR A CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT AND, AS PART OF THE APPLICATION, SHALL SUBMIT TO THE CENTRAL REPOSITORY:

A. TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

B. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE MARYLAND CRIMINAL HISTORY RECORDS; AND

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

5. THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

6. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

**B. MAY BE USED ONLY FOR THE LICENSING PURPOSE  
AUTHORIZED UNDER THIS SECTION**

**AMENDMENT NO. 3**

On page 10, after line 22, insert:

“16–101.

(e) (4) (i) If the court reverses the action of the local licensing board it shall file with the papers a written statement of the reasons. The court may modify, as well as affirm or reverse, the action of the local licensing board. Costs shall be awarded as in other civil cases.

(ii) In addition to the other powers of the court provided in this article, the court may remand the proceedings to the local licensing board in the following jurisdictions:

**1. ANNE ARUNDEL COUNTY;**

**[1.]2. Baltimore City;**

**[2.]3. Carroll County;**

**[3.]4. Charles County;**

**[4.]5. Frederick County;**

**[5.]6. Harford County;**

**[6.]7. Howard County;**

(Over)

- [7.]**18.**        Montgomery County;
- [8.]**19.**        Prince George’s County; and
- [9.]**10.**        St. Mary’s County.”.

AMENDMENT NO. 4

On page 10, after line 30, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That Article 2B, § 16–101(e)(4)(ii)1, as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect all matters on judicial review in the Circuit Court for Anne Arundel County on or after August 1, 2008.”;

and in line 31, strike “2.” and substitute “3.”.