

HOUSE BILL 1521

R7

9lr0096

By: **Chair, Environmental Matters Committee (By Request - Departmental - Transportation)**

Introduced and read first time: March 6, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 9, 2009

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2009

CHAPTER _____

1 AN ACT concerning

2 **Department of Transportation - Prospective and Current Employees -**
3 **Criminal History Records Checks**

4 FOR the purpose of authorizing the Secretary of Transportation to request from the
5 Criminal Justice Information System Central Repository State and national
6 criminal history records checks for certain prospective and current employees;
7 establishing certain procedures to apply for a criminal history records check;
8 requiring the Central Repository to forward criminal history record information
9 to the current or prospective employee under certain circumstances; providing
10 that certain information is confidential and may be used only for certain
11 purposes; authorizing a person who is the subject of a criminal history records
12 check under this Act to contest certain information in the record; authorizing
13 the Secretary to adopt certain regulations, guidelines, and policies to implement
14 this Act; and generally relating to State and national criminal history records
15 checks for prospective and current employees of the Department of
16 Transportation.

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 2-103.4(b)(1)
20 Annotated Code of Maryland
21 (2008 Replacement Volume)

22 BY adding to

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 Article – Transportation
 2 Section 2–103.4(b–1)
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume)

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

7 **Article – Transportation**

8 2–103.4.

9 (b) (1) In the exercise of the Secretary’s powers under this section, the
 10 Secretary may:

11 (i) Create and abolish any position other than positions
 12 specifically provided for in this article; and

13 (ii) [Determine] **SUBJECT TO SUBSECTION (B–1) OF THIS**
 14 **SECTION, DETERMINE** the qualifications, appointment, removal, tenure, terms of
 15 employment, and compensation of employees unless otherwise prohibited by law.

16 **(B–1) (1) IN THIS SUBSECTION, “CENTRAL REPOSITORY” MEANS THE**
 17 **CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE**
 18 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

19 **(2) (I) IN THE EXERCISE OF THE SECRETARY’S POWERS UNDER**
 20 **SUBSECTION (B) OF THIS SECTION, THE SECRETARY MAY REQUEST, ~~WITH~~**
 21 **~~REFERENCE TO A PROSPECTIVE OR CURRENT EMPLOYEE OF THE DEPARTMENT,~~**
 22 **A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FROM THE**
 23 **CENTRAL REPOSITORY FOR:**

24 **1. A PROSPECTIVE EMPLOYEE; OR**

25 **2. A CURRENT EMPLOYEE FOR WHOM A CRIMINAL**
 26 **HISTORY RECORDS CHECK IS REQUIRED BY FEDERAL OR STATE LAW.**

27 **(II) THE SECRETARY SHALL APPLY TO THE CENTRAL**
 28 **REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK**
 29 **FOR EACH PROSPECTIVE OR CURRENT EMPLOYEE FOR WHOM A RECORDS**
 30 **CHECK IS SOUGHT.**

31 **(III) AS PART OF THE APPLICATION FOR A CRIMINAL**
 32 **HISTORY RECORDS CHECK, THE SECRETARY SHALL SUBMIT TO THE CENTRAL**
 33 **REPOSITORY:**

1 **1. TWO COMPLETE SETS OF THE PROSPECTIVE OR**
2 **CURRENT EMPLOYEE’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED**
3 **BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE**
4 **FEDERAL BUREAU OF INVESTIGATION;**

5 **2. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF**
6 **THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO CRIMINAL HISTORY**
7 **RECORD INFORMATION; AND**

8 **3. THE MANDATORY PROCESSING FEE REQUIRED BY**
9 **THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL**
10 **HISTORY RECORDS CHECK.**

11 **(IV) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE**
12 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
13 **TO THE PROSPECTIVE OR CURRENT EMPLOYEE AND THE DEPARTMENT THE**
14 **PROSPECTIVE OR CURRENT EMPLOYEE’S CRIMINAL HISTORY RECORD**
15 **INFORMATION.**

16 **(V) INFORMATION OBTAINED FROM THE CENTRAL**
17 **REPOSITORY UNDER THIS PARAGRAPH:**

18 **1. IS CONFIDENTIAL AND MAY NOT BE**
19 **REDISSEMINATED; AND**

20 **2. MAY BE USED ONLY FOR THE EMPLOYMENT**
21 **PURPOSE AUTHORIZED BY THIS SECTION.**

22 **(3) A PERSON WHO IS THE SUBJECT OF A CRIMINAL HISTORY**
23 **RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE**
24 **PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN §**
25 **10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

26 **(4) THE SECRETARY MAY ADOPT REGULATIONS, GUIDELINES,**
27 **AND POLICIES TO CARRY OUT THIS SUBSECTION.**

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
29 **October 1, 2009.**