

SENATE BILL 104

E2

9lr1250
CF HB 549

By: **Senator Stone**

Introduced and read first time: January 15, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County - Prospective Employees and Volunteers - Criminal**
3 **History Records Check**

4 FOR the purpose of authorizing the County Administrative Officer of Baltimore
5 County or a certain designee of the officer to request from the Central
6 Repository a State and national criminal history records check for a prospective
7 ~~or current~~ employee or volunteer of Baltimore County; requiring that the officer
8 or designee of the officer submit certain sets of fingerprints and fees to the
9 Central Repository as part of the application for a criminal history records
10 check; requiring the Central Repository to forward to the prospective ~~or current~~
11 employee or volunteer and the officer or designee of the officer the prospective
12 ~~or current~~ employee's or volunteer's criminal history record information under
13 certain circumstances; establishing that information obtained from the Central
14 Repository under this Act is confidential, may not be redisseminated, and may
15 be used only for certain purposes; authorizing the subjects of a criminal history
16 records check under this Act to contest the contents of a certain printed
17 statement issued by the Central Repository; requiring the governing body of
18 Baltimore County to adopt guidelines to carry out this Act; defining a certain
19 term; and generally relating to criminal history records checks in Baltimore
20 County.

21 BY adding to
22 Article - Criminal Procedure
23 Section 10-231.1
24 Annotated Code of Maryland
25 (2008 Replacement Volume)

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 **10-231.1.**

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) THE COUNTY ADMINISTRATIVE OFFICER OF BALTIMORE COUNTY
9 OR A DESIGNEE OF THE ~~OFFICER~~ COUNTY ADMINISTRATIVE OFFICER, WHICH
10 SHALL BE THE DIRECTOR OF HUMAN RESOURCES OR THE DIRECTOR'S
11 DESIGNEE, MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND
12 NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE ~~OR~~
13 ~~CURRENT~~ EMPLOYEE OR VOLUNTEER OF BALTIMORE COUNTY.

14 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
15 RECORDS CHECK, THE COUNTY ADMINISTRATIVE OFFICER OF BALTIMORE
16 COUNTY OR THE DESIGNEE OF THE OFFICER SHALL SUBMIT TO THE CENTRAL
17 REPOSITORY:

18 (I) TWO COMPLETE SETS OF THE PROSPECTIVE ~~OR~~
19 ~~CURRENT~~ EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON
20 FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
21 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

27 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
28 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
29 ~~OR CURRENT~~ EMPLOYEE OR VOLUNTEER AND THE COUNTY ADMINISTRATIVE
30 OFFICER OF BALTIMORE COUNTY OR THE DESIGNEE OF THE OFFICER THE
31 PROSPECTIVE ~~OR CURRENT~~ EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY
32 RECORD INFORMATION.

33 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
34 UNDER THIS SECTION:

1 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
2 AND

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

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

10 (D) THE GOVERNING BODY OF BALTIMORE COUNTY SHALL ADOPT
11 GUIDELINES TO CARRY OUT THIS SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.