

# HOUSE BILL 405

A2

11r1061  
CF SB 297

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By: **Washington County Delegation**

Introduced and read first time: February 4, 2011

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Criminal History Records**

3 FOR the purpose of requiring the Board of License Commissioners of Washington  
4 County to ~~obtain certain criminal records of an applicant~~ apply to the Criminal  
5 Justice Information System Central Repository for a state and national criminal  
6 history records check for each applicant for a new alcoholic beverages license or  
7 for a transfer of an existing license; requiring the Board to submit fingerprints  
8 of each applicant and certain fees to the Central Repository; requiring the  
9 Central Repository to forward certain information to the applicant and the  
10 Board; requiring the board to establish a fee to cover certain costs of obtaining  
11 an applicant's criminal records; providing that ~~criminal records obtained~~ certain  
12 information obtained from the Central Repository under this Act ~~are~~ is  
13 confidential, may be used only for licensing purposes, shall be kept in sealed  
14 envelopes and made available only to certain persons, and shall be destroyed on  
15 completion of their use; providing that the failure of the Federal Bureau of  
16 Investigation to provide requested criminal records by a certain date may not  
17 delay an applicant's scheduled hearing or the issuance of a license; authorizing  
18 an applicant to contest the contents of a certain written statement; requiring  
19 the board to adopt regulations to implement this Act and preserve the  
20 confidentiality of information obtained under this Act; defining certain terms;  
21 and generally relating to alcoholic beverages licenses in Washington County.

22 BY adding to

23 Article 2B – Alcoholic Beverages

24 Section 10–103(e)

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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 Annotated Code of Maryland  
2 (2005 Replacement Volume and 2010 Supplement)

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

5 **Article 2B – Alcoholic Beverages**

6 10–103.

7 (E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE  
8 THE MEANINGS INDICATED.

9 (II) “APPLICANT” MEANS AN APPLICANT FOR A NEW  
10 ALCOHOLIC BEVERAGES LICENSE OR FOR A TRANSFER OF AN EXISTING  
11 ALCOHOLIC BEVERAGES LICENSE.

12 (III) “BOARD” MEANS THE BOARD OF LICENSE  
13 COMMISSIONERS OF WASHINGTON COUNTY.

14 (IV) “CENTRAL REPOSITORY” MEANS THE CRIMINAL  
15 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT  
16 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

17 (2) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

18 ~~(3) FOR EACH APPLICANT, THE BOARD SHALL:~~

19 ~~(I) OBTAIN CRIMINAL RECORDS OF THE APPLICANT FROM~~  
20 ~~THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE~~  
21 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;~~

22 ~~(II) REQUIRE THE APPLICANT TO SUBMIT THE APPLICANT’S~~  
23 ~~FINGERPRINTS; AND~~

24 ~~(III) FORWARD THE FINGERPRINTS THROUGH THE~~  
25 ~~CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY FOR~~  
26 ~~TRANSMITTAL TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL~~  
27 ~~CRIMINAL HISTORY RECORDS CHECK.~~

28 (3) (I) THE BOARD SHALL APPLY TO THE CENTRAL  
29 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK  
30 FOR EACH APPLICANT.

1                   **(II) AS PART OF THE APPLICATION FOR A CRIMINAL**  
2 **HISTORY RECORDS CHECK, THE BOARD SHALL SUBMIT TO THE CENTRAL**  
3 **REPOSITORY:**

4                   **1. TWO COMPLETE SETS OF THE APPLICANT'S**  
5 **LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF**  
6 **THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**  
7 **INVESTIGATION;**

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

11                   **3. THE MANDATORY PROCESSING FEE REQUIRED BY**  
12 **THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL**  
13 **HISTORY RECORDS CHECK.**

14                   **(III) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE**  
15 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**  
16 **TO THE APPLICANT AND THE BOARD THE APPLICANT'S CRIMINAL HISTORY**  
17 **RECORD INFORMATION.**

18                   **(4) THE BOARD SHALL ESTABLISH A FEE TO COVER THE COST OF**  
19 **OBTAINING:**

20                   **(I) THE APPLICANT'S FINGERPRINTS; AND**

21                   **(II) THE STATE AND NATIONAL CRIMINAL RECORDS.**

22                   **(5) ~~CRIMINAL RECORDS OBTAINED~~ INFORMATION OBTAINED**  
23 **FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:**

24                   **(I) ARE IS CONFIDENTIAL AND MAY NOT BE ~~DISSEMINATED~~**  
25 **TO THE PUBLIC REDISSEMINATED;**

26                   **(II) MAY BE USED ONLY FOR LICENSING PURPOSES;**

27                   **(III) SHALL BE KEPT IN SEALED ENVELOPES AVAILABLE**  
28 **ONLY TO BOARD MEMBERS, INSPECTORS, ADMINISTRATORS, AND DESIGNEES**  
29 **OF THE BOARD; AND**

30                   **(IV) SHALL BE DESTROYED ON COMPLETION OF THEIR**  
31 **NECESSARY USE.**

1           **(6) A HEARING FOR AN APPLICANT AND THE ISSUANCE OF A**  
 2 **LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL**  
 3 **BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL RECORDS**  
 4 **BY THE DATE OF THE SCHEDULED HEARING.**

5           **(7) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**  
 6 **UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED**  
 7 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY UNDER § 10-223 OF THE**  
 8 **CRIMINAL PROCEDURE ARTICLE.**

9           **(8) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT**  
 10 **THIS SUBSECTION AND PRESERVE THE CONFIDENTIALITY OF THE INFORMATION**  
 11 **OBTAINED UNDER THIS SUBSECTION.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 13           October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.