

Chapter 592

(House Bill 405)

AN ACT concerning

Washington County – Alcoholic Beverages – Criminal History Records

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

BY adding to

Article 2B – Alcoholic Beverages
 Section 10–103(e)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

10–103.

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

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

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

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

(2) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.

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

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

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

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

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

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

1. 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;

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

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

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

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

(I) THE APPLICANT'S FINGERPRINTS; AND

(II) THE STATE AND NATIONAL CRIMINAL RECORDS.

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

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

(II) MAY BE USED ONLY FOR LICENSING PURPOSES;

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

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

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

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

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

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

Approved by the Governor, May 19, 2011.