

SB0255/374534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 255

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Follow-Up”; in line 4, after “of” insert “requiring the Board of License Commissioners for Garrett County to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check for each alcoholic beverages license applicant; requiring the Board to submit certain fingerprints and certain fees to the Central Repository under certain circumstances; requiring the Board to establish a fee to cover certain costs; providing that certain information obtained from the Central Repository is confidential, may not be disseminated, and may be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain printed statement as provided under certain provisions of law;”; in line 4, strike “Criminal Justice Information System”; in line 5, strike “(CJIS)”; strike beginning with “of” in line 5 down through “County” in line 6; in line 6, strike “license applicant”; in line 7, strike “or”; in lines 7 and 8, in each instance, strike “CJIS” and substitute “the Central Repository”; in line 10, strike “a certain”; and in the same line, strike “change” and substitute “changes”.

AMENDMENT NO. 2

On page 2, strike beginning with “1.” in line 1 down through “SERVICES.” in line 3; in line 4, strike the brackets; in the same line, strike “2.”; in line 6, strike the brackets; in the same line, strike “3.”; after line 11, insert:

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

(Over)

in line 12, strike “may:” and substitute “SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT.”; strike in their entirety lines 13 through 25, inclusive, and substitute:

“5. AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD OF LICENSE COMMISSIONERS SHALL SUBMIT TO THE CENTRAL REPOSITORY:

A. TWO COMPLETE SETS OF THE APPLICANT’S 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 IN § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

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

6. IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT’S CRIMINAL HISTORY RECORD INFORMATION.

7. THE BOARD SHALL ESTABLISH A FEE TO COVER THE COST OF OBTAINING:

- A. THE APPLICANT'S FINGERPRINTS; AND
- B. THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS.

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

- A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
- B. MAY BE USED ONLY FOR LICENSING PURPOSES;
- C. SHALL BE KEPT IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS AND THEIR CLERKS; AND
- D. SHALL BE DESTROYED ON COMPLETION OF THEIR PERMITTED USE.

9. THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.”;

in line 26, strike “6.” and substitute “10.”; in lines 27, 28, 32, and 33, in each instance, strike “CJIS” and substitute “THE CENTRAL REPOSITORY”; in line 27, strike “AN APPLICANT OR” and substitute “A”; in line 30, strike “APPLICANT OR”; in line 32, strike “7.” and substitute “11.”; in the same line, after “BOARD” insert “OF LICENSE COMMISSIONERS”; and in line 33, strike “AN APPLICANT OR” and substitute “A”.

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On page 3, in line 1, strike “**OF LICENSE COMMISSIONERS**”.