

HOUSE BILL 63

E2

2lr1205

By: **Wicomico County Delegation**

Introduced and read first time: January 13, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County – Employees – Criminal History Records Checks**

3 FOR the purpose of authorizing the Director of Administration of Wicomico County to
4 request State and national criminal history records checks from the Criminal
5 Justice Information System Central Repository for prospective or current
6 employees; requiring the Director of Administration to submit certain items to
7 the Central Repository; requiring the Central Repository to forward to the
8 prospective or current employee and the Director of Administration the
9 employee's criminal history record information; specifying that certain
10 information obtained from the Central Repository is confidential, may not be
11 redisseminated, and may be used only for certain employment purposes;
12 authorizing the subject of a criminal history records check to contest in a
13 certain way the contents of a certain printed statement; requiring the County
14 Executive of Wicomico County to propose and the County Council of Wicomico
15 County to adopt guidelines to carry out this Act; defining a certain term; and
16 generally relating to employee criminal history records checks in Wicomico
17 County.

18 BY adding to

19 Article – Criminal Procedure

20 Section 10–236.1

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2011 Supplement)

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

25 **Article – Criminal Procedure**

26 **10–236.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
2 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
3 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

4 **(B) THE DIRECTOR OF ADMINISTRATION OF WICOMICO COUNTY MAY**
5 **REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL**
6 **HISTORY RECORDS CHECK FOR A PROSPECTIVE OR CURRENT EMPLOYEE OF**
7 **WICOMICO COUNTY.**

8 **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
9 **RECORDS CHECK, THE DIRECTOR OF ADMINISTRATION SHALL SUBMIT TO THE**
10 **CENTRAL REPOSITORY:**

11 **(I) TWO COMPLETE SETS OF THE PROSPECTIVE OR**
12 **CURRENT EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED**
13 **BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE**
14 **FEDERAL BUREAU OF INVESTIGATION;**

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

17 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
18 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
19 **RECORDS CHECK.**

20 **(2) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL**
21 **REPOSITORY SHALL FORWARD TO THE PROSPECTIVE OR CURRENT EMPLOYEE**
22 **AND THE DIRECTOR OF ADMINISTRATION THE PROSPECTIVE OR CURRENT**
23 **EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.**

24 **(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
25 **UNDER THIS SECTION:**

26 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
27 **AND**

28 **(II) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE**
29 **AUTHORIZED BY THIS SECTION.**

30 **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
31 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**

1 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223
2 OF THIS SUBTITLE.

3 (D) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL PROPOSE
4 AND THE COUNTY COUNCIL OF WICOMICO COUNTY SHALL ADOPT GUIDELINES
5 TO CARRY OUT THIS SECTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2012.