

# HOUSE BILL 63

E2

2lr1205

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**By: Wicomico County Delegation**

Introduced and read first time: January 13, 2012

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 7, 2012

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

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)

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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 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 **10–236.1.**

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 DIRECTOR OF ADMINISTRATION OF WICOMICO COUNTY MAY  
9 REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL  
10 HISTORY RECORDS CHECK FOR A PROSPECTIVE OR CURRENT EMPLOYEE OF  
11 WICOMICO COUNTY.

12 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
13 RECORDS CHECK, THE DIRECTOR OF ADMINISTRATION SHALL SUBMIT TO THE  
14 CENTRAL REPOSITORY:

15 (I) TWO COMPLETE SETS OF THE PROSPECTIVE OR  
16 CURRENT EMPLOYEE’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED  
17 BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE  
18 FEDERAL BUREAU OF INVESTIGATION;

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

21 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
22 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
23 RECORDS CHECK.

24 (2) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL  
25 REPOSITORY SHALL FORWARD TO THE PROSPECTIVE OR CURRENT EMPLOYEE  
26 AND THE DIRECTOR OF ADMINISTRATION THE PROSPECTIVE OR CURRENT  
27 EMPLOYEE’S CRIMINAL HISTORY RECORD INFORMATION.

28 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY  
29 UNDER THIS SECTION:

30 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;  
31 AND

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

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

7                   **(D) THE COUNTY EXECUTIVE OF WICOMICO COUNTY SHALL PROPOSE**  
8 **AND THE COUNTY COUNCIL OF WICOMICO COUNTY SHALL ADOPT GUIDELINES**  
9 **TO CARRY OUT THIS SECTION.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.