

# HOUSE BILL 251

E2

2lr1255

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By: **Delegates McDermott and Conway**  
Introduced and read first time: January 26, 2012  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Town of Ocean City – Criminal History Records Check – Taxi Driver**  
3 **Applicants**

4 FOR the purpose of authorizing the Ocean City Police Department to request State  
5 and national criminal history records checks for taxi driver applicants in Ocean  
6 City from the Criminal Justice Information System Central Repository;  
7 requiring the Police Department to submit sets of fingerprints of taxi driver  
8 applicants and pay certain fees to the Central Repository as part of the  
9 application for a records check; requiring the Central Repository to forward  
10 certain information to certain persons; specifying that certain information be  
11 confidential, not be redisseminated, and be used only for a certain purpose;  
12 authorizing the subject of a criminal history records check to contest the  
13 contents of a certain statement in a certain manner; and generally relating to  
14 criminal history records checks for taxi driver applicants in Ocean City.

15 BY repealing and reenacting, without amendments,  
16 Article – Criminal Procedure  
17 Section 10–231  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2011 Supplement)

20 BY adding to  
21 Article – Criminal Procedure  
22 Section 10–234.1 to be under the amended part “Part IV. Criminal History  
23 Records Check Requests – Counties and Municipalities”  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2011 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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**Article – Criminal Procedure**

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**Part IV. Criminal History Records Check Requests – Counties AND**

3

**MUNICIPALITIES.**

4

10–231.

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(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

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(b) The Personnel Officer of Anne Arundel County may request from the Central Repository a State and national criminal history records check for a prospective or current employee or volunteer of Anne Arundel County.

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(c) (1) As part of the application for a criminal history records check, the Personnel Officer of Anne Arundel County shall submit to the Central Repository:

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(i) two complete sets of the prospective or current employee’s or volunteer’s legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

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(ii) the fee authorized under § 10–221(b)(7) of this subtitle for access to Maryland criminal history records; and

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(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

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(2) In accordance with §§ 10–201 through 10–250 of this subtitle, the Central Repository shall forward to the prospective or current employee or volunteer and the Personnel Officer of Anne Arundel County the prospective or current employee’s or volunteer’s criminal history record information.

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(3) Information obtained from the Central Repository under this section:

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(i) is confidential and may not be disseminated; and

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(ii) may be used only for a personnel–related purpose concerning a prospective or current employee or volunteer of the county as authorized by this section.

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(4) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of this subtitle.

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1 (d) The Anne Arundel County Council shall adopt guidelines to carry out this  
2 section.

3 **10-234.1.**

4 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL  
5 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT  
6 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

7 (B) THE OCEAN CITY POLICE DEPARTMENT MAY REQUEST FROM THE  
8 CENTRAL REPOSITORY STATE AND NATIONAL CRIMINAL HISTORY RECORDS  
9 CHECKS FOR EACH TAXI DRIVER APPLICANT IN OCEAN CITY.

10 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
11 RECORDS CHECK, THE OCEAN CITY POLICE DEPARTMENT SHALL SUBMIT TO  
12 THE CENTRAL REPOSITORY:

13 (I) TWO COMPLETE SETS OF THE TAXI DRIVER APPLICANT'S  
14 LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF  
15 THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF  
16 INVESTIGATION;

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

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

22 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THIS  
23 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE TAXI DRIVER  
24 APPLICANT AND THE OCEAN CITY POLICE DEPARTMENT THE TAXI DRIVER  
25 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

26 (D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER  
27 THIS SECTION:

28 (1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

29 (2) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE  
30 AUTHORIZED BY THIS SECTION.

31 (E) A TAXI DRIVER APPLICANT WHO IS THE SUBJECT OF A CRIMINAL  
32 HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS

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

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