

HOUSE BILL 1438

E2

2lr3380

By: **Delegate Clagett**

Introduced and read first time: March 2, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **City of Frederick – Criminal History Records Check – Taxi Driver and Tow**
3 **Truck Driver Applicants**

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

17 BY repealing and reenacting, without amendments,
18 Article – Criminal Procedure
19 Section 10–231
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2011 Supplement)

22 BY adding to
23 Article – Criminal Procedure
24 Section 10–232.1 to be under the amended part “Part IV. Criminal History
25 Records Check Requests – Counties and Municipalities”
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 10–231.

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

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

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

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

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

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

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

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

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

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

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

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

6 **10–232.1.**

7 **(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL**
8 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
9 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

10 **(B) THE CITY OF FREDERICK POLICE DEPARTMENT MAY REQUEST**
11 **FROM THE CENTRAL REPOSITORY STATE AND NATIONAL CRIMINAL HISTORY**
12 **RECORDS CHECKS FOR EACH TAXI DRIVER APPLICANT AND TOW TRUCK DRIVER**
13 **APPLICANT IN THE CITY OF FREDERICK.**

14 **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
15 **RECORDS CHECK, THE CITY OF FREDERICK POLICE DEPARTMENT SHALL**
16 **SUBMIT TO THE CENTRAL REPOSITORY:**

17 **(I) TWO COMPLETE SETS OF THE TAXI DRIVER APPLICANT’S**
18 **OR TOW TRUCK DRIVER APPLICANT’S LEGIBLE FINGERPRINTS TAKEN ON FORMS**
19 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
20 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

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

26 **(2) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–234 OF THIS**
27 **SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE TAXI DRIVER**
28 **APPLICANT OR TOW TRUCK DRIVER APPLICANT AND THE CITY OF FREDERICK**
29 **POLICE DEPARTMENT THE TAXI DRIVER APPLICANT’S OR TOW TRUCK DRIVER**
30 **APPLICANT’S CRIMINAL HISTORY RECORD INFORMATION.**

31 **(D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
32 **THIS SECTION:**

33 **(1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**

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

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

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