

# HOUSE BILL 1438

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By: **Delegate Clagett**

Introduced and read first time: March 2, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 13, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

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

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 disseminated, 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

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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 Article – Criminal Procedure

2 Section 10–232.1 to be under the amended part “Part IV. Criminal History  
3 Records Check Requests – Counties and Municipalities”

4 Annotated Code of Maryland

5 (2008 Replacement Volume and 2011 Supplement)

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

8 **Article – Criminal Procedure**

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

11 10–231.

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

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

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

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

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

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

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

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

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

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

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

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

9 **10-232.1.**

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

13 (B) THE CITY OF FREDERICK POLICE DEPARTMENT MAY REQUEST  
14 FROM THE CENTRAL REPOSITORY STATE AND NATIONAL CRIMINAL HISTORY  
15 RECORDS CHECKS FOR EACH TAXI DRIVER APPLICANT ~~AND TOW TRUCK DRIVER~~  
16 ~~APPLICANT~~ IN THE CITY OF FREDERICK.

17 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
18 RECORDS CHECK, THE CITY OF FREDERICK POLICE DEPARTMENT SHALL  
19 SUBMIT TO THE CENTRAL REPOSITORY:

20 (I) TWO COMPLETE SETS OF THE TAXI DRIVER APPLICANT'S  
21 ~~OR TOW TRUCK DRIVER APPLICANT'S~~ LEGIBLE FINGERPRINTS TAKEN ON FORMS  
22 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE  
23 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

26 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
27 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
28 RECORDS CHECK.

29 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THIS  
30 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE TAXI DRIVER  
31 APPLICANT ~~OR TOW TRUCK DRIVER APPLICANT~~ AND THE CITY OF FREDERICK  
32 POLICE DEPARTMENT THE TAXI DRIVER APPLICANT'S ~~OR TOW TRUCK DRIVER~~  
33 ~~APPLICANT'S~~ CRIMINAL HISTORY RECORD INFORMATION.

1           **(D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**  
2 **THIS SECTION:**

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

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

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

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.