

SENATE BILL 41

E2

(2lr0882)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Colburn~~ Senators Colburn, Pipkin, and Mathias

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Caroline County, Dorchester County, *and* Talbot County, ~~and Wicomico~~**
3 **~~County~~ – Prospective Employees and Volunteers – Criminal History Records**
4 **Check**

5 FOR the purpose of authorizing a certain officer in Caroline County, Dorchester
6 County, *or* Talbot County, ~~or Wicomico County~~ to request from the Criminal
7 Justice Information System Central Repository of the Department of Public
8 Safety and Correctional Services a State and national criminal history records
9 check for a prospective county employee or volunteer; requiring that a certain
10 officer submit certain sets of fingerprints and fees to the Central Repository as
11 part of the application for a criminal history records check; requiring the
12 Central Repository to forward to the prospective employee or volunteer and a
13 certain officer the prospective employee's or volunteer's criminal history record
14 information under certain circumstances; establishing that information
15 obtained from the Central Repository under this Act is confidential, may not be

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.

Italics indicate opposite chamber/conference committee amendments.



1 redisseminated, and may be used only for certain purposes; authorizing the
 2 subjects of a criminal history records check under this Act to contest the
 3 contents of a certain printed statement issued by the Central Repository;
 4 requiring the governing bodies of Caroline County, Dorchester County, and
 5 Talbot County, ~~and Wicomico County~~ to adopt guidelines to carry out this Act;
 6 defining a certain term; and generally relating to criminal history records
 7 checks.

8 BY renumbering

9 Article – Criminal Procedure

10 Section 10–236

11 to be Section 10–234.1

12 Annotated Code of Maryland

13 (2008 Replacement Volume and 2011 Supplement)

14 BY adding to

15 Article – Criminal Procedure

16 Section 10–231.2, 10–232.1, and 10–234.2, ~~and 10–236~~

17 Annotated Code of Maryland

18 (2008 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 20 MARYLAND, That Section(s) 10–236 of Article – Criminal Procedure of the Annotated
 21 Code of Maryland be renumbered to be Section(s) 10–234.1.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 23 read as follows:

24 **Article – Criminal Procedure**

25 **10–231.2.**

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

29 **(B) THE DIRECTOR OF HUMAN RESOURCES OF CAROLINE COUNTY**
 30 **MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL**
 31 **CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR**
 32 **VOLUNTEER OF CAROLINE COUNTY.**

33 **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
 34 **RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES FOR CAROLINE**
 35 **COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

1 (I) TWO COMPLETE SETS OF THE PROSPECTIVE
2 EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS
3 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
4 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

7 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
8 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
9 RECORDS CHECK.

10 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
11 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
12 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF
13 CAROLINE COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S
14 CRIMINAL HISTORY RECORD INFORMATION.

15 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
16 UNDER THIS SECTION:

17 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
18 AND

19 (II) MAY BE USED ONLY FOR A PERSONNEL-RELATED
20 PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE
21 COUNTY AS AUTHORIZED BY THIS SECTION.

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

26 (D) THE GOVERNING BODY OF CAROLINE COUNTY SHALL ADOPT
27 GUIDELINES TO CARRY OUT THIS SECTION.

28 **10-232.1.**

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

32 (B) THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER COUNTY
33 MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL

1 CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR
2 VOLUNTEER OF DORCHESTER COUNTY.

3 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
4 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER
5 COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

6 (I) TWO COMPLETE SETS OF THE PROSPECTIVE
7 EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS
8 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
9 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

12 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
13 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
14 RECORDS CHECK.

15 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
16 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
17 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES THE
18 PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD
19 INFORMATION.

20 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
21 UNDER THIS SECTION:

22 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
23 AND

24 (II) MAY BE USED ONLY FOR A PERSONNEL-RELATED
25 PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF THE
26 COUNTY AS AUTHORIZED BY THIS SECTION.

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

31 (D) THE GOVERNING BODY OF DORCHESTER COUNTY SHALL ADOPT
32 GUIDELINES TO CARRY OUT THIS SECTION.

33 10-234.2.

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 ADMINISTRATIVE SERVICES OF TALBOT**
5 **COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND**
6 **NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE**
7 **EMPLOYEE OR VOLUNTEER OF TALBOT COUNTY.**

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

11 **(I) TWO COMPLETE SETS OF THE PROSPECTIVE**
12 **EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS**
13 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
14 **DIRECTOR OF THE 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 §§ 10-201 THROUGH 10-250 OF THIS**
21 **SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE**
22 **EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF ADMINISTRATIVE SERVICES**
23 **OF TALBOT COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S**
24 **CRIMINAL HISTORY RECORD INFORMATION.**

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

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

29 **(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED**
30 **PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OF OR VOLUNTEER FOR THE**
31 **COUNTY AS AUTHORIZED BY THIS SECTION.**

32 **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
33 **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 GOVERNING BODY OF TALBOT COUNTY SHALL ADOPT
4 GUIDELINES TO CARRY OUT THIS SECTION.

5 ~~10-236.~~

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

9 ~~(B) THE DIRECTOR OF HUMAN RESOURCES OF WICOMICO COUNTY
10 MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL
11 CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR
12 VOLUNTEER OF WICOMICO COUNTY.~~

13 ~~(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
14 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF WICOMICO
15 COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:~~

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

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

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

25 ~~(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
26 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
27 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF
28 WICOMICO COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S
29 CRIMINAL HISTORY RECORD INFORMATION.~~

30 ~~(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
31 UNDER THIS SECTION:~~

32 ~~(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;~~
33 ~~AND~~

1 ~~(H) MAY BE USED ONLY FOR A PERSONNEL RELATED~~
2 ~~PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OF OR VOLUNTEER FOR THE~~
3 ~~COUNTY AS AUTHORIZED BY THIS SECTION.~~

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

8 ~~(D) THE GOVERNING BODY OF WICOMICO COUNTY SHALL ADOPT~~
9 ~~GUIDELINES TO CARRY OUT THIS SECTION.~~

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.