

SENATE BILL 41

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(PRE-FILED)

By: **Senator Colburn**

Requested: November 8, 2011

Introduced and read first time: January 11, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing a certain officer in Caroline County, Dorchester
5 County, Talbot County, or Wicomico County to request from the Criminal
6 Justice Information System Central Repository of the Department of Public
7 Safety and Correctional Services a State and national criminal history records
8 check for a prospective county employee or volunteer; requiring that a certain
9 officer submit certain sets of fingerprints and fees to the Central Repository as
10 part of the application for a criminal history records check; requiring the
11 Central Repository to forward to the prospective employee or volunteer and a
12 certain officer the prospective employee's or volunteer's criminal history record
13 information under certain circumstances; establishing that information
14 obtained from the Central Repository under this Act is confidential, may not be
15 disseminated, and may be used only for certain purposes; authorizing the
16 subjects of a criminal history records check under this Act to contest the
17 contents of a certain printed statement issued by the Central Repository;
18 requiring the governing bodies of Caroline County, Dorchester County, Talbot
19 County, and Wicomico County to adopt guidelines to carry out this Act; defining
20 a certain term; and generally relating to criminal history records checks.

21 BY renumbering

22 Article – Criminal Procedure

23 Section 10–236

24 to be Section 10–234.1

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2011 Supplement)

27 BY adding to

28 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–231.2, 10–232.1, 10–234.2, and 10–236
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2011 Supplement)

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

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

9 **Article – Criminal Procedure**

10 **10–231.2.**

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

14 (B) THE DIRECTOR OF HUMAN RESOURCES OF CAROLINE COUNTY
15 MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL
16 CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR
17 VOLUNTEER OF CAROLINE COUNTY.

18 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
19 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES FOR CAROLINE
20 COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

21 (I) TWO COMPLETE SETS OF THE PROSPECTIVE
22 EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS
23 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
24 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

30 (2) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–250 OF THIS
31 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
32 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF

1 CAROLINE COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S
2 CRIMINAL HISTORY RECORD INFORMATION.

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

5 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
6 AND

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

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

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

16 10-232.1.

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

20 (B) THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER COUNTY
21 MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL
22 CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR
23 VOLUNTEER OF DORCHESTER COUNTY.

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

27 (I) TWO COMPLETE SETS OF THE PROSPECTIVE
28 EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS
29 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
30 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

1 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
2 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
3 RECORDS CHECK.

4 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
5 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
6 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES THE
7 PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD
8 INFORMATION.

9 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
10 UNDER THIS SECTION:

11 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
12 AND

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

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

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

22 **10-234.2.**

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

26 (B) THE DIRECTOR OF ADMINISTRATIVE SERVICES OF TALBOT
27 COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND
28 NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE
29 EMPLOYEE OR VOLUNTEER OF TALBOT COUNTY.

30 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
31 RECORDS CHECK, THE DIRECTOR OF ADMINISTRATIVE SERVICES SHALL
32 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 ADMINISTRATIVE SERVICES
13 OF TALBOT 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 OF 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 TALBOT COUNTY SHALL ADOPT
27 GUIDELINES TO CARRY OUT THIS SECTION.

28 10-236.

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.

1 **(B) THE DIRECTOR OF HUMAN RESOURCES OF WICOMICO COUNTY**
2 **MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL**
3 **CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR**
4 **VOLUNTEER OF WICOMICO COUNTY.**

5 **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
6 **RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF WICOMICO**
7 **COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

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

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

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

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

22 **(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
23 **UNDER THIS SECTION:**

24 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
25 **AND**

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

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

1 **(D) THE GOVERNING BODY OF WICOMICO COUNTY SHALL ADOPT**
2 **GUIDELINES TO CARRY OUT THIS SECTION.**

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