

SENATE BILL 41

E2

(PRE-FILED)

2lr0882
CF 2lr1548

By: ~~Senator Colburn~~ **Senators Colburn, Pipkin, and Mathias**

Requested: November 8, 2011

Introduced and read first time: January 11, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 16, 2012

CHAPTER _____

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

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 to be Section 10–234.1
2 Annotated Code of Maryland
3 (2008 Replacement Volume and 2011 Supplement)

4 BY adding to
5 Article – Criminal Procedure
6 Section 10–231.2, 10–232.1, 10–234.2, and 10–236
7 Annotated Code of Maryland
8 (2008 Replacement Volume and 2011 Supplement)

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

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

14 **Article – Criminal Procedure**

15 **10–231.2.**

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

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

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

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

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

32 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
33 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
34 RECORDS CHECK.

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

6 **(3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
7 **UNDER THIS SECTION:**

8 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
9 **AND**

10 **(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED**
11 **PURPOSE CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE**
12 **COUNTY AS AUTHORIZED BY THIS SECTION.**

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

17 **(D) THE GOVERNING BODY OF CAROLINE COUNTY SHALL ADOPT**
18 **GUIDELINES TO CARRY OUT THIS SECTION.**

19 **10-232.1.**

20 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
21 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
22 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

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

27 **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
28 **RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF DORCHESTER**
29 **COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

30 **(I) TWO COMPLETE SETS OF THE PROSPECTIVE**
31 **EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS**

1 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
2 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

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

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

15 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
16 AND

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

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

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

26 10-234.2.

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

30 (B) THE DIRECTOR OF ADMINISTRATIVE SERVICES OF TALBOT
31 COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND

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

3 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
4 RECORDS CHECK, THE DIRECTOR OF ADMINISTRATIVE SERVICES SHALL
5 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 ADMINISTRATIVE SERVICES
18 OF TALBOT COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S
19 CRIMINAL HISTORY RECORD 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 OF OR VOLUNTEER FOR 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 TALBOT COUNTY SHALL ADOPT
32 GUIDELINES TO CARRY OUT THIS SECTION.

1 **10-236.**

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

5 (B) THE DIRECTOR OF HUMAN RESOURCES OF WICOMICO COUNTY
6 MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL
7 CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR
8 VOLUNTEER OF WICOMICO COUNTY.

9 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
10 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF WICOMICO
11 COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

12 (I) TWO COMPLETE SETS OF THE PROSPECTIVE
13 EMPLOYEE'S OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS
14 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
15 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.