

Chapter 165

(Senate Bill 41)

AN ACT concerning

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

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

BY renumbering

Article – Criminal Procedure
 Section 10–236
 to be Section 10–234.1
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

BY adding to

Article – Criminal Procedure
 Section 10–231.2, 10–232.1, and 10–234.2, ~~and 10–236~~
 Annotated Code of Maryland
 (2008 Replacement Volume and 2011 Supplement)

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

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

Article – Criminal Procedure

10–231.2.

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

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

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

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

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

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

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

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

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

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

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

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

10-232.1.

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

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

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

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

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

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

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

PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD INFORMATION.

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

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

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

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

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

10-234.2.

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

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

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

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

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

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

(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF ADMINISTRATIVE SERVICES OF TALBOT COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD INFORMATION.

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

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

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

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

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

~~10-236.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 2, 2012.