

Chapter 713

(House Bill 1264)

AN ACT concerning

Howard County – Massage Establishment, Pawnbroker or Secondhand Dealer Establishment, and Taxicab Licenses – Criminal History Records Checks

Ho. Co. 8–12

FOR the purpose of authorizing the Howard County Department of Inspections, Licenses and Permits to request from the Criminal Justice Information System Central Repository a State and national criminal history records check for an applicant for a massage establishment license, pawnbroker or secondhand dealer establishment license, taxicab license, or renewal of a massage establishment license, pawnbroker or secondhand dealer establishment license, or taxicab license; requiring that the department 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 applicant and the department the applicant'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 a subject of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; providing for the application of this Act; authorizing the governing body of Howard County to adopt guidelines to carry out this Act; defining certain terms; and generally relating to criminal history records checks in Howard County.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–233
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–233.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article – Criminal Procedure

10–233.

(a) The County Administrator of Howard County shall apply to the Central Repository for a State and national criminal history records check for each prospective employee of Howard County.

(b) As part of the application for a criminal history records check, the Administrator of Howard County shall submit to the Central Repository:

(1) two complete sets of the prospective employee’s legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

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

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

(c) In accordance with this subtitle, the Central Repository shall forward to the prospective employee and the Administrator of Howard County the prospective employee’s criminal history record information.

(d) Information obtained from the Central Repository under this section:

(1) is confidential and may not be disseminated; and

(2) shall be used only for the employment purpose authorized by this section.

(e) 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 under § 10–223 of this subtitle.

10–233.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “MESSAGE ESTABLISHMENT LICENSE”:

(I) MEANS A CERTIFICATE, LICENSE, PERMIT, OR SIMILAR DOCUMENT THAT WOULD ALLOW A PERSON TO OWN, OPERATE, OR MANAGE A MASSAGE ESTABLISHMENT IN HOWARD COUNTY; AND

(II) INCLUDES ANY RENEWAL OF A DOCUMENT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.

(3) "PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT LICENSE":

(I) MEANS A CERTIFICATE, LICENSE, PERMIT, OR SIMILAR DOCUMENT THAT WOULD ALLOW A PERSON TO OWN, OPERATE, OR MANAGE A PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT IN HOWARD COUNTY; AND

(II) INCLUDES ANY RENEWAL OF A DOCUMENT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.

(4) "TAXICAB LICENSE":

(I) MEANS A CERTIFICATE, LICENSE, PERMIT, OR SIMILAR DOCUMENT THAT WOULD ALLOW A PERSON TO OWN, OPERATE, OR DRIVE A TAXICAB IN HOWARD COUNTY; AND

(II) INCLUDES ANY RENEWAL OF A DOCUMENT DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.

(B) THIS SECTION DOES NOT APPLY TO AN APPLICANT THAT:

(1) IS A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER UNDER TITLE 3, SUBTITLE 5A OF THE HEALTH OCCUPATIONS ARTICLE; AND

(2) IS THE OWNER, MANAGER, OR OPERATOR OF A SOLE PROPRIETORSHIP OR OTHER MASSAGE THERAPY ESTABLISHMENT IN WHICH EACH MASSAGE THERAPIST IS A LICENSED MASSAGE THERAPIST OR REGISTERED MASSAGE PRACTITIONER.

~~(B)~~ (C) THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK ON AN APPLICANT FOR:

(1) A MASSAGE ESTABLISHMENT LICENSE;

(2) A PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT LICENSE; OR

(3) A TAXICAB LICENSE.

~~(c)~~ **(D) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

(I) TWO COMPLETE SETS OF THE APPLICANT'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 THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE HOWARD COUNTY DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

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

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

(II) MAY BE USED ONLY FOR A LICENSE-RELATED PURPOSE CONCERNING AN APPLICANT FOR A MASSAGE ESTABLISHMENT LICENSE, A PAWNBROKER OR SECONDHAND DEALER ESTABLISHMENT LICENSE, OR A TAXICAB LICENSE 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 UNDER § 10-223 OF THIS SUBTITLE.

~~(D)~~ (E) **THE GOVERNING BODY OF HOWARD COUNTY MAY ADOPT GUIDELINES TO CARRY OUT THIS SECTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.