

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 247

(Chair, Judiciary Committee)(By Request - Departmental
- Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

**Criminal Procedure - Criminal Justice Information System Central Repository -
Administration**

This bill establishes that the Criminal Justice Information System – Central Repository (CJIS) in the Department of Public Safety and Correctional Services (DPSCS) is the official State repository for criminal history records information and specifies the responsibilities of CJIS, including the authority to retain fingerprints.

Fiscal Summary

State Effect: None. The bill clarifies and codifies current authority and practice.

Local Effect: None.

Small Business Effect: DPSCS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: The Criminal Procedure Article establishes that there is a Criminal Justice Information System Central Repository in DPSCS. The Secretary of Public Safety and Correctional Services has administrative control of the central repository and must operate the central repository with the advice of an advisory board.

Background: The FBI has an impending pilot program (RAP Back) which will allow authorized employment or licensing entities to receive subsequent notices of arrests

and/or other qualified events involving their employees or licensees. CJIS plans to participate in the pilot program and the subsequent roll-out of the full program. The FBI is requiring that a participating state's repository have explicit statutory language providing each state agency with the authority to retain fingerprints.

DPSCS further reports that there are certain sections of the Annotated Code that refer to the retention of fingerprints and related information in which the entity has requested subsequent notification. However, such references are not throughout the Annotated Code. The current CJIS language in the Criminal Procedure Article is silent on this matter, and CJIS would like to make it clear regarding its authority to retain fingerprints and related demographic information for criminal justice, employment, and licensing purposes.

While this bill codifies current practice in Maryland, DPSCS believes that these provisions will more specifically meet the FBI standard for participation in the program and provide for clarification of current law and practice.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2013
mlm/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Criminal Procedure – Criminal Records – Establishment and Administration – CJIS – Central Repository - Responsibilities

BILL NUMBER: HB 247

PREPARED BY: Department of Public Safety and Correctional Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.