

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1408

(Delegate Cullison, *et al.*)

Judiciary

Judicial Proceedings

Family Law - Criminal History Records Checks - Student Teachers

This bill requires the Department of Public Safety and Correctional Services (DPSCS) to, upon receiving a written request from a student teacher, submit a certain printed statement regarding a criminal history records check to additional employers if the check was completed within the past 365 days (instead of the 180-day timeframe that is applicable to other specified employees). The bill also provides that the printed statement regarding a criminal history records check for employees of various specified entities that care for or supervise children is valid in any county.

Fiscal Summary

State Effect: Payments to the Criminal Justice Information System (CJIS) for criminal history records checks are cost recovery only, therefore any reduction in the number of criminal background checks under the bill will not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The following individuals must obtain a criminal history records check: (1) an individual seeking to adopt a child through a child placement agency; (2) an individual who is seeking to become a guardian through a local department of social services; (3) an individual whom the juvenile court appoints as a guardian; and (4) an adult relative with whom a child, committed to a local department of social services, is placed by the local department. In addition, any adult known by a local department of social services to be residing in (1) a family child care home or large family child care

home required to be registered; (2) a home of an adult relative of a child with whom the child, committed to a local department, is placed by the local department; (3) specified foster care homes or child care homes; (4) a home of an individual seeking to adopt a child through a child placement agency; or (5) the home of an individual seeking to become a guardian through a local department. Other individuals must obtain a criminal history records check if requested by a local department, as specified.

Employees and employers in the following facilities must apply for a criminal history records check: (1) a licensed child care center; (2) a registered family day care home; (3) a licensed child care home; (4) a licensed child care institution; (5) a juvenile detention, correction, or treatment facility; (6) a public school; (7) a private or nonpublic school that is required to report to the State Board of Education; (8) a foster care family home or group facility; (9) a government-operated recreation center or program that primarily serves minors; (10) a day or residential camp that primarily serves minors; or (11) a home health agency or residential service agency licensed by the Department of Health and Mental Hygiene that is authorized to provide home or community-based health services for minors.

DPSCS issues a specified printed statement upon completion of a criminal history records check. Upon receiving a written request from an employee, DPSCS must submit the printed statement to additional employers if the criminal history records check was completed during the prior 180 days.

Background: The Maryland State Department of Education advises that, according to a 2010 survey of local school systems, 14 of the 24 local school systems require criminal history records checks for student teachers, who are in effect interns with the local school system (and are therefore closely supervised by school system employees). Further, most local school systems that do require the criminal background check for student teachers do not recognize the records check printed statements of other local school systems. The bill therefore will relieve a student teacher (or an entity that may cover that cost) from the cost of multiple background checks within a year, if the student teacher is assigned to more than one local school system in a year and at least two of those local school systems require the background check. By making the printed statement valid in any county for employees of the 11 entities listed above, the need for additional background checks and associated costs may be eliminated.

The CJIS Central Repository is established by the Criminal Procedure Article, §§ 10-213 *et seq.*, within DPSCS to collect, manage, and disseminate Maryland Criminal History Record Information (CHRI) for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes.

State Fiscal Effect: The CJIS Central Repository is authorized by law to collect a fee for providing CHRI for purposes other than criminal justice. COMAR 12.15.01.14A sets the fee at \$18. Revenue from these fees is used to provide the service. The total cost for each criminal history records check and fingerprinting is \$54.50, which includes State and national background checks. Any reduction in expenditures for CJIS to provide background checks is offset by a reduction in the fees from the CHRI checks, which are paid by the applicants.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Public Safety and Correctional Services, Maryland Association of Boards of Education, Department of Legislative Services

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mc/rhh

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