

HOUSE BILL 460

C7

4lr0066

By: **Chair, Ways and Means Committee (By Request – Departmental – Lottery and Gaming Control Agency)**

Introduced and read first time: January 27, 2014

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2014

CHAPTER _____

1 AN ACT concerning

2 **Gaming – Background Investigations**

3 FOR the purpose of requiring the State Lottery and Gaming Control Commission,
4 rather than the Department of State Police, to conduct certain background
5 investigations in connection with certain gaming licenses; and generally
6 relating to the regulation of gaming in the State.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 9–1A–07(d) and 9–1A–20
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2013 Supplement)

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

14 **Article – State Government**

15 9–1A–07.

16 (d) **(1)** On the filing of an application for any license required under this
17 subtitle and any supplemental information required by the Commission, the
18 Commission shall:

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 [(1)] (I) [refer the application to the Department of State Police or
2 an approved vendor] **CONDUCT A BACKGROUND INVESTIGATION** under § 9–1A–20
3 of this subtitle [to conduct a background investigation] on the qualifications of the
4 applicant and any person who is required to be qualified under this subtitle as a
5 condition of a license; and

6 [(2)] (II) if the applicant is applying for a video lottery operation
7 license, conduct a hearing on the qualifications of the applicant and any person who is
8 required to be qualified under this subtitle as a condition of a license.

9 **(2) THE COMMISSION MAY REFER AN APPLICATION FOR A**
10 **LICENSE TO AN APPROVED VENDOR UNDER § 9–1A–20 OF THIS SUBTITLE TO**
11 **CONDUCT THE BACKGROUND INVESTIGATION FOR THE COMMISSION.**

12 9–1A–20.

13 (a) In this section, “approved vendor” means a person that:

14 (1) specializes in conducting background investigations;

15 (2) has experience in the gaming industry; and

16 (3) obtains the approval of the Commission to conduct background
17 investigations under this section.

18 (b) The [Department of State Police] **COMMISSION** or an approved vendor
19 shall[:

20 (1)] conduct a background investigation in a timely manner of:

21 [(i)] (1) an applicant for a video lottery operation license;

22 [(ii)] (2) a video lottery operator; and

23 [(iii)] (3) any other applicant the Commission considers
24 necessary[; and

25 (2) cooperate with the Commission in obtaining and providing the
26 necessary background investigation information].

27 (c) (1) An applicant shall provide the [Department of State Police]
28 **COMMISSION** or an approved vendor with all information the [Department]
29 **COMMISSION** requires in order to conduct a background investigation.

1 (2) Failure to provide timely or accurate information is grounds for the
2 Commission to deny an application.

3 (d) (1) The [Department of State Police] **COMMISSION** or an approved
4 vendor shall apply to the Central Repository for a State and a national criminal
5 history records check for the applicant, if required by the Commission.

6 (2) As part of the application for a criminal history records check, the
7 [Department of State Police] **COMMISSION** or an approved vendor shall submit to the
8 Central Repository:

9 (i) two complete sets of the applicant's legible fingerprints
10 taken on forms approved by the Director of the Central Repository and the Director of
11 the Federal Bureau of Investigation;

12 (ii) the fee authorized under § 10-221(b)(7) of the Criminal
13 Procedure Article for access to Maryland criminal history records;

14 (iii) the mandatory processing fee required by the Federal
15 Bureau of Investigation for a national criminal history records check; and

16 (iv) the mandatory processing fee required by Interpol for an
17 international criminal history records check.

18 (3) In accordance with §§ 10-201 through 10-234 of the Criminal
19 Procedure Article, the Central Repository shall forward to the applicant and the
20 Commission a printed statement of the applicant's criminal history record
21 information.

22 (4) Information obtained from the Central Repository under this
23 section:

24 (i) shall be confidential;

25 (ii) may not be disseminated; and

26 (iii) may be used only in connection with the issuance of a license
27 required under this subtitle.

28 (5) The subject of a criminal history records check under this section
29 may contest the contents of the printed statement issued by the Central Repository as
30 provided in § 10-223 of the Criminal Procedure Article.

31 (e) After completion of [the] A background investigation [of each person
32 specified in subsection (b)(1) of] **CONDUCTED UNDER** this section, [the Department of

1 State Police or] an approved vendor shall promptly forward the results of the
2 investigation to the Commission.

3 (f) The Commission shall adopt regulations specifying the factors used to
4 determine whether an applicant for a license must submit to an international criminal
5 history records check.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 ~~October~~ June 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.