

# HOUSE BILL 460

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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

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## A BILL ENTITLED

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:

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 9-1A-20.

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

9                    (1) specializes in conducting background investigations;

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

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

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

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

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

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

18                            [(iii)] **(3)** any other applicant the Commission considers  
19 necessary[; and

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

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

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

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

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

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

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

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

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

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

17           (4) Information obtained from the Central Repository under this  
18 section:

19           (i) shall be confidential;

20           (ii) may not be disseminated; and

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

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

26           (e) After completion of [the] A background investigation [of each person  
27 specified in subsection (b)(1) of] **CONDUCTED UNDER** this section, [the Department of  
28 State Police or] an approved vendor shall promptly forward the results of the  
29 investigation to the Commission.

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

33           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2014.