

Chapter 231

(House Bill 460)

AN ACT concerning

Gaming – Background Investigations

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

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

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

Article – State Government

9–1A–07.

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

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

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

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

9–1A–20.

- (a) In this section, “approved vendor” means a person that:
- (1) specializes in conducting background investigations;
 - (2) has experience in the gaming industry; and
 - (3) obtains the approval of the Commission to conduct background investigations under this section.
- (b) The [Department of State Police] **COMMISSION** or an approved vendor shall[:
- (1)] conduct a background investigation in a timely manner of:
 - [i)] **(1)** an applicant for a video lottery operation license;
 - [ii)] **(2)** a video lottery operator; and
 - [iii)] **(3)** any other applicant the Commission considers necessary[; and
 - (2) cooperate with the Commission in obtaining and providing the necessary background investigation information].
- (c) (1) An applicant shall provide the [Department of State Police] **COMMISSION** or an approved vendor with all information the [Department] **COMMISSION** requires in order to conduct a background investigation.
- (2) Failure to provide timely or accurate information is grounds for the Commission to deny an application.
- (d) (1) The [Department of State Police] **COMMISSION** or an approved vendor shall apply to the Central Repository for a State and a national criminal history records check for the applicant, if required by the Commission.
- (2) As part of the application for a criminal history records check, the [Department of State Police] **COMMISSION** or an approved vendor 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 the Criminal Procedure Article for access to Maryland criminal history records;

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

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

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

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

(i) shall be confidential;

(ii) may not be disseminated; and

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

(5) 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 in § 10–223 of the Criminal Procedure Article.

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

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

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

Approved by the Governor, April 14, 2014.