

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1309
Appropriations

(Delegate Smigiel, *et al.*)

Finance

State Personnel - Applicants for Employment - Criminal History Records Check - Exemptions

This bill authorizes the Department of Health and Mental Hygiene (DHMH) to require criminal history record checks (CHRCs) on applicants before they have been given an opportunity for an interview, if they are applying for positions that require the provision of direct care to individuals with serious mental illness.

Fiscal Summary

State Effect: None. The bill does not materially increase the volume of CHRCs conducted by the Criminal Justice Information System (CJIS). It is assumed that applicants for affected positions in DHMH will have to pay the fees associated with CHRCs, so there is no effect on DHMH expenditures. No effect on revenues.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 160 of 2013 prohibits any State appointing authority in the Executive, Legislative, or Judicial Branch from inquiring into the criminal record or history of an applicant for employment until the applicant has been given an opportunity for an interview. The bill includes exemptions for the Department of Public Safety and Correctional Services (DPSCS), any position for which an appointing authority is required by law to conduct a CHRC, any position in the sheriff's office of any county (with respect to constitutional obligations), or any position within the State Personnel

Management System (SPMS) exempted by the Secretary of Budget and Management. An appointing authority may still notify an applicant that prior criminal convictions may prohibit employment for some positions. The Department of Budget and Management must report annually on the total number of positions in SPMS filled in the previous fiscal year and those exempted by the Secretary for purposes of inquiring about an applicant's criminal history prior to an interview. This reporting requirement terminates June 30, 2018.

Background: The reporting requirement under Chapter 160 took effect less than one year ago (October 1, 2013), so there is no data available on the number of positions exempted by the Secretary of Budget and Management.

The CJIS Central Repository is established by statute 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. CJIS is a fingerprint-supported system for positive identification.

Fingerprints can be taken at many police departments, private organizations that have been certified by CJIS-CR, and the CJIS Customer Service Center at Reisterstown Road Plaza in Baltimore. Fingerprints may also be taken at Motor Vehicle Administration "Hazmat" sites. The CJIS Customer Service Center charges a \$20 flat fingerprinting fee and the Maryland State Police charges \$5 per fingerprint card to offset the cost of taking the fingerprints. Local police departments and private organizations charge varying fees for fingerprinting. One fingerprint card is required for a Maryland-only CHRI check; two fingerprint cards (Maryland/FBI) are needed for a State and national CHRI check.

The fee for a State-only background check is \$18; the Federal Bureau of Investigation charges a fee of \$16.50 for a national background check. Therefore, the total fee for an individual seeking a State and national background check is \$54.50, including the cost of the fingerprinting.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Budget and Management, Services, Department of Legislative Services

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mm/ljm

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