

HOUSE BILL 1237

E4

5lr0135

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: March 4, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 9, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2015

CHAPTER _____

1 AN ACT concerning

2 **Police and Correctional Training Commissions – Applicants – Criminal History**
3 **Records Checks**

4 FOR the purpose of requiring certain applicants for police officer certification to submit to
5 certain criminal history records checks; requiring certain applicants for correctional
6 officer certification or certification as a certain Department of Juvenile Services
7 employee to submit to certain criminal history records checks; requiring certain
8 applicants to submit certain fingerprints and certain fees to the Criminal Justice
9 Information System Central Repository of the Department of Public Safety and
10 Correctional Services under certain circumstances; requiring the Central Repository
11 to forward to certain commissions and certain applicants certain criminal history
12 record information; providing that certain information is confidential, may not be
13 redisseminated, and may be used only for certain purposes; authorizing certain
14 individuals to contest the contents of certain statements issued by the Central
15 Repository under certain circumstances; and generally relating to police and
16 correctional training commissions.

17 BY renumbering

18 Article – Correctional Services

19 Section 8–209.1

20 to be Section 8–209.2

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2014 Supplement)

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 BY repealing and reenacting, ~~with~~ without amendments,
2 Article – Correctional Services
3 Section 8–209
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2014 Supplement)

6 BY adding to
7 Article – Correctional Services
8 Section 8–209.1
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2014 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 3–209
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2014 Supplement)

16 BY adding to
17 Article – Public Safety
18 Section 3–209.1
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That Section(s) 8–209.1 of Article – Correctional Services be renumbered to be Section(s)
23 8–209.2.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
25 as follows:

26 **Article – Correctional Services**

27 8–209.

28 (a) An individual may not be given or accept a probationary or permanent
29 appointment as a correctional officer, correctional supervisor, or correctional administrator
30 unless the individual satisfactorily meets minimum qualifications established by the
31 Commission.

32 (b) A probationary appointment as a correctional officer, correctional supervisor,
33 or correctional administrator may be made for no more than 1 year for the purpose of
34 enabling the individual seeking permanent appointment to take a training course
35 prescribed by the Commission.

1 (c) A probationary appointee is entitled to a leave of absence with pay during the
2 period of the training program.

3 (d) The Commission shall ~~establish~~ the minimum qualifications for probationary
4 or permanent appointment as a Department of Juvenile Services employee ~~CERTIFY A~~
5 ~~DEPARTMENT OF JUVENILE SERVICES EMPLOYEE AS A CORRECTIONAL OFFICER~~
6 ~~FOR PROBATIONARY OR PERMANENT APPOINTMENT IF THE EMPLOYEE:~~

7 ~~(1) SATISFACTORILY MEETS THE STANDARDS OF THE COMMISSION;~~
8 ~~AND~~

9 ~~(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN~~
10 ~~ACCORDANCE WITH § 8-209.1 OF THIS SUBTITLE.~~

11 ~~8-209.1.~~

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (2) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING
15 CERTIFICATION AS:

16 (I) A CORRECTIONAL OFFICER; OR

17 (II) A DEPARTMENT OF JUVENILE SERVICES EMPLOYEE, AS
18 DEFINED IN § 8-201(H) OF THIS SUBTITLE.

19 (3) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE
20 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
21 SAFETY AND CORRECTIONAL SERVICES.

22 (B) ~~AN APPLICANT FOR CERTIFICATION AS A CORRECTIONAL OFFICER~~
23 ~~UNDER THIS SECTION SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE~~
24 ~~AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.~~

25 (C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
26 CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

27 (1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON FORMS
28 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR
29 OF THE FEDERAL BUREAU OF INVESTIGATION;

1 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
2 **ACCORDANCE WITH § 3-209.1 OF THIS SUBTITLE.**

3 (b) The Commission may certify as a police officer an individual who is not
4 considered a police officer under § 3-201(e)(3) of this subtitle if the individual meets the
5 selection and training standards of the Commission.

6 (c) Each certificate issued to a police officer under this subtitle remains the
7 property of the Commission.

8 **3-209.1.**

9 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
10 **INDICATED.**

11 **(2) “APPLICANT” MEANS AN INDIVIDUAL WHO IS SEEKING**
12 **CERTIFICATION AS A POLICE OFFICER.**

13 **(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**
14 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**
15 **SAFETY AND CORRECTIONAL SERVICES.**

16 **(B) AN APPLICANT FOR CERTIFICATION AS A POLICE OFFICER SHALL APPLY**
17 **TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY**
18 **RECORDS CHECK.**

19 **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**
20 **CHECK, AN APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

21 **(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN ON FORMS**
22 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR**
23 **OF THE FEDERAL BUREAU OF INVESTIGATION;**

24 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL**
25 **PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;**
26 **AND**

27 **(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF**
28 **INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

29 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
30 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
31 **COMMISSION AND THE APPLICANT A PRINTED STATEMENT OF THE APPLICANT’S**
32 **CRIMINAL HISTORY RECORD INFORMATION.**

1 (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
2 THIS SECTION:

3 (1) SHALL BE CONFIDENTIAL;

4 (2) MAY NOT BE REDISSEMINATED; AND

5 (3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED
6 BY THIS TITLE.

7 (F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS
8 SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY
9 THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL
10 PROCEDURE ARTICLE.

11 (G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE
12 CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
13 RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE
14 COMMISSION A REVISED STATEMENT OF THE APPLICANT’S OR CERTIFIED POLICE
15 OFFICER’S STATE CRIMINAL HISTORY RECORD.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.