

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1237

(Chair, Judiciary Committee)(By Request - Departmental  
- Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

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**Police and Correctional Training Commissions - Applicants - Criminal History  
Records Checks**

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This departmental bill allows the Police and Correctional Training Commissions (PCTC) to receive federal and State criminal history records information directly from the Criminal Justice Information System (CJIS) for all correctional officer, law enforcement officer, and specified Department of Juvenile Services employee applicants who seek certification through PCTC. All certification and related criminal history records checks (CHRC) requirements are made to comply with federal standards.

The bill takes effect July 1, 2015.

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**Fiscal Summary**

**State Effect:** None. The bill's requirements are procedural in nature and can be adopted with the existing budgeted resources of the Department of Public Safety and Correctional Services (DPSCS). It is assumed that any other State agency with law enforcement or correctional officers can adapt to the new procedures with little operational difficulty.

**Local Effect:** None. However, local agencies with law enforcement or correctional officers must adapt to the new procedures relating to CHRCs.

**Small Business Effect:** DPSCS has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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## Analysis

**Current Law/Background:** Both PCTC and CJIS are operational agencies within DPSCS.

Although they are separate entities, the Police Training Commission and the Correctional Training Commission are served by a single executive director and agency staff. The commissions are vested with the statutory authority to set standards of initial selection and training for all governmental law enforcement, correctional, community supervision, and juvenile justice officers in the State, and to otherwise upgrade the professionalism of these officers.

The Police Training Commission prescribes minimum standards for the selection and training of all State and local police officers in Maryland. These standards address selection, promotion to supervisory and management positions, entry-level training, and in-service advanced training. The commission also provides mandated crime prevention; drug abuse prevention; and advanced, specialized, and executive training to police personnel, private organizations, community groups, and private citizens throughout Maryland. Local governments pay a nominal fee for each employee trained by the State.

The Correctional Training Commission prescribes minimum standards for the selection and training of community supervision employees and correctional officers in Maryland. These standards address selection, promotion to supervisory and management positions, entry-level training, and in-service advanced training. Local governments pay a nominal fee for each employee trained by the State.

Each individual subject to a CHRC is required to pay \$52.75 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$14.75 FBI fee, an \$18 fee to the CJIS Central Repository. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification. The FBI requires specific statutory language for an authorization to pull national CHRCs. This bill complies with the FBI statutory language requirements.

Currently, a prospective law enforcement or correctional employee must allow the hiring agency to request a background check from CJIS. Once cleared and hired, the hiring agency sends the individual to PCTC for training and certification. PCTC then requires the State or local hiring agency to indicate the results of the CHRC on the PCTC licensing/certification application.

DPSCS advises that a recent federal audit found that Maryland's current practice is in conflict with federal regulations. Under federal regulations, PCTC should receive the criminal history records directly from CJIS and not the individual hiring agencies. This bill allows PCTC and CJIS to be in compliance with federal law.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Montgomery County, Maryland Association of Counties, Maryland Municipal League, Department of State Police, Department of Public Safety and Correctional Services, Maryland Department of Transportation, Department of General Services, Department of Juvenile Services, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2015  
md/lgc Revised - House Third Reader - April 11, 2015

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE(S) OF BILL(S):

Police and Correctional Training Commissions – Applicants – Criminal History Records Checks

BILL NUMBER: HB 1237

PREPARED BY: Kevin Loeb, Director of Government, Legislative and Community Affairs

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS