

HOUSE BILL 164

P4

6lr0133

By: **Chair, Appropriations Committee (By Request – Departmental – Comptroller)**

Introduced and read first time: January 21, 2016

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel Management System – Background Investigation and Criminal**
3 **History Records Check – Prospective and Current Employees**

4 FOR the purpose of authorizing certain appointing authorities in the State Personnel
5 Management System to require certain prospective or current employees to provide
6 certain information for a certain background investigation; authorizing certain
7 appointing authorities to request from the Criminal Justice Information System
8 Central Repository a State and national criminal history records check for certain
9 prospective and current employees; establishing certain procedures to apply for a
10 criminal history records check; requiring the Central Repository to forward criminal
11 history record information to certain prospective or current employees; providing
12 that certain information is confidential and may be used only for certain purposes;
13 requiring the Central Repository to provide a revised printed statement of a certain
14 State criminal history record under certain circumstances; authorizing an individual
15 who is the subject of a criminal history records check under this Act to contest certain
16 information in the record; authorizing the Secretary of Budget and Management to
17 adopt certain regulations, guidelines, and policies; defining a certain term; and
18 generally relating to background investigations and criminal history records checks
19 for employees in the State Personnel Management System.

20 BY adding to

21 Article – State Personnel and Pensions

22 Section 7–104

23 Annotated Code of Maryland

24 (2015 Replacement Volume)

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

27 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-104.

2 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
3 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
4 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

5 (B) IN CONNECTION WITH AN INITIAL APPLICATION FOR EMPLOYMENT OR
6 AS A CONDITION OF CONTINUED EMPLOYMENT IN A POSITION IN THE STATE
7 PERSONNEL MANAGEMENT SYSTEM FOR WHICH THE JOB DUTIES INCLUDE ACCESS
8 TO FEDERAL TAX INFORMATION THAT IS DEEMED CONFIDENTIAL OR SENSITIVE
9 UNDER FEDERAL OR STATE LAW OR REGULATION, AN APPOINTING AUTHORITY MAY:

10 (1) REQUIRE A PROSPECTIVE OR CURRENT EMPLOYEE TO PROVIDE
11 INFORMATION FOR A BACKGROUND INVESTIGATION, INCLUDING, FOR AT LEAST THE
12 PREVIOUS 10-YEAR PERIOD, THE PROSPECTIVE OR CURRENT EMPLOYEE'S:

13 (I) ADDRESS HISTORY; AND

14 (II) EMPLOYMENT AND EDUCATION HISTORY, INCLUDING THE
15 NAMES AND ADDRESSES OF ALL PREVIOUS EMPLOYERS AND SCHOOLS ATTENDED;
16 AND

17 (2) REQUEST A STATE AND NATIONAL CRIMINAL HISTORY RECORDS
18 CHECK FROM THE CENTRAL REPOSITORY FOR THE PROSPECTIVE OR CURRENT
19 EMPLOYEE.

20 (C) (1) THE APPOINTING AUTHORITY SHALL APPLY TO THE CENTRAL
21 REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK
22 FOR EACH PROSPECTIVE OR CURRENT EMPLOYEE FOR WHOM A RECORDS CHECK IS
23 SOUGHT UNDER SUBSECTION (B)(2) OF THIS SECTION.

24 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
25 RECORDS CHECK, THE APPOINTING AUTHORITY SHALL SUBMIT TO THE CENTRAL
26 REPOSITORY:

27 (I) TWO COMPLETE SETS OF THE PROSPECTIVE OR CURRENT
28 EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE
29 DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL
30 BUREAU OF INVESTIGATION;

31 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
32 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO CRIMINAL HISTORY RECORD
33 INFORMATION; AND

1 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
2 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
3 RECORDS CHECK.

4 (3) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL
5 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
6 PROSPECTIVE OR CURRENT EMPLOYEE AND THE APPOINTING AUTHORITY THE
7 PROSPECTIVE OR CURRENT EMPLOYEE'S CRIMINAL HISTORY RECORD
8 INFORMATION.

9 (4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
10 UNDER THIS SUBSECTION:

11 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

12 (II) MAY BE USED ONLY FOR EMPLOYMENT PURPOSES
13 AUTHORIZED UNDER DIVISION I OF THIS ARTICLE.

14 (5) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO
15 THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
16 RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE APPOINTING
17 AUTHORITY A REVISED PRINTED STATEMENT OF THE PROSPECTIVE OR CURRENT
18 EMPLOYEE'S STATE CRIMINAL HISTORY RECORD.

19 (6) A PROSPECTIVE OR CURRENT EMPLOYEE WHO IS THE SUBJECT OF
20 A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE
21 CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS
22 PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

23 (D) A PROSPECTIVE OR CURRENT EMPLOYEE WHO REFUSES TO COMPLY
24 WITH OR FAILS, AS DEFINED BY REGULATION, THE BACKGROUND INVESTIGATION
25 OR CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION IS DEEMED TO BE
26 UNQUALIFIED FOR EMPLOYMENT AND, IF A CURRENT EMPLOYEE, SUBJECT TO
27 DISCIPLINARY ACTION UNDER THIS ARTICLE.

28 (E) THE SECRETARY MAY ADOPT REGULATIONS, GUIDELINES, AND
29 POLICIES TO CARRY OUT THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2016.