

HOUSE BILL 164

P4

6lr0133

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

Introduced and read first time: January 21, 2016

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2016

Returned to second reading: March 3, 2016

House action: Adopted with floor amendments

Read second time: March 3, 2016

CHAPTER _____

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

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 Section 7-104
2 Annotated Code of Maryland
3 (2015 Replacement Volume)

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

6 **Article – State Personnel and Pensions**

7 **7-104.**

8 (A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL
9 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
10 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

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

16 (1) REQUIRE A PROSPECTIVE OR CURRENT EMPLOYEE TO PROVIDE
17 INFORMATION FOR A BACKGROUND INVESTIGATION, INCLUDING, FOR AT LEAST THE
18 PREVIOUS ~~10-YEAR~~ 5-YEAR PERIOD, THE PROSPECTIVE OR CURRENT EMPLOYEE’S:

19 (I) ADDRESS HISTORY; AND

20 (II) EMPLOYMENT AND EDUCATION HISTORY, INCLUDING THE
21 NAMES AND ADDRESSES OF ALL PREVIOUS EMPLOYERS AND SCHOOLS ATTENDED;
22 AND

23 (2) REQUEST A STATE AND NATIONAL CRIMINAL HISTORY RECORDS
24 CHECK FROM THE CENTRAL REPOSITORY FOR THE PROSPECTIVE OR CURRENT
25 EMPLOYEE.

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

30 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
31 RECORDS CHECK, THE APPOINTING AUTHORITY SHALL SUBMIT TO THE CENTRAL
32 REPOSITORY:

1 **(I) TWO COMPLETE SETS OF THE PROSPECTIVE OR CURRENT**
2 **EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE**
3 **DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL**
4 **BUREAU OF INVESTIGATION;**

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

8 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
9 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
10 **RECORDS CHECK.**

11 **(3) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL**
12 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
13 **PROSPECTIVE OR CURRENT EMPLOYEE AND THE APPOINTING AUTHORITY THE**
14 **PROSPECTIVE OR CURRENT EMPLOYEE'S CRIMINAL HISTORY RECORD**
15 **INFORMATION.**

16 **(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
17 **UNDER THIS SUBSECTION:**

18 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**

19 **(II) MAY BE USED ONLY FOR EMPLOYMENT PURPOSES**
20 **AUTHORIZED UNDER DIVISION I OF THIS ARTICLE.**

21 **(5) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO**
22 **THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
23 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE APPOINTING**
24 **AUTHORITY A REVISED PRINTED STATEMENT OF THE PROSPECTIVE OR CURRENT**
25 **EMPLOYEE'S ~~STATE~~ CRIMINAL HISTORY RECORD.**

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

30 **(D) A PROSPECTIVE OR CURRENT EMPLOYEE WHO REFUSES TO COMPLY**
31 **WITH OR FAILS, AS DEFINED BY REGULATION, THE BACKGROUND INVESTIGATION**
32 **OR CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION IS DEEMED TO BE**
33 **UNQUALIFIED FOR EMPLOYMENT AND, IF A CURRENT EMPLOYEE, SUBJECT TO**
34 **DISCIPLINARY ACTION UNDER THIS ARTICLE.**

1 **(E) THE SECRETARY MAY ADOPT REGULATIONS, GUIDELINES, AND**
2 **POLICIES TO CARRY OUT THIS SECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.