

HOUSE BILL 358

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6lr2156
CF 6lr0515

By: **Delegates Jacobs, Arentz, and Ghrist**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County – Prospective Employees and Volunteers – Criminal History**
3 **Records Check**

4 FOR the purpose of authorizing a certain officer in Kent County to request from the
5 Criminal Justice Information System Central Repository of the Department of Public
6 Safety and Correctional Services a State and national criminal history records check
7 for a prospective county employee or volunteer; requiring that a certain officer
8 submit certain sets of fingerprints and fees to the Central Repository as part of the
9 application for a criminal history records check; requiring the Central Repository to
10 forward to the prospective employee or volunteer and a certain officer the prospective
11 employee's or volunteer's criminal history record information under certain
12 circumstances; establishing that information obtained from the Central Repository
13 under this Act is confidential, may not be redisseminated, and may be used only for
14 certain purposes; authorizing the subjects of a criminal history records check under
15 this Act to contest the contents of a certain printed statement issued by the Central
16 Repository; requiring the governing body of Kent County to adopt guidelines to carry
17 out this Act; defining a certain term; and generally relating to criminal history
18 records checks.

19 BY adding to

20 Article – Criminal Procedure

21 Section 10–233.2

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2015 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

25 That the Laws of Maryland read as follows:

26 **Article – Criminal Procedure**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **10-233.2.**

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) THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY MAY
6 REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL
7 HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF
8 KENT COUNTY.

9 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
10 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY SHALL
11 SUBMIT TO THE CENTRAL REPOSITORY:

12 (I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE'S
13 OR VOLUNTEER'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE
14 DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL
15 BUREAU OF INVESTIGATION;

16 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS
17 SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

18 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
19 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
20 RECORDS CHECK.

21 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
22 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
23 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF KENT
24 COUNTY THE PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY
25 RECORD INFORMATION.

26 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
27 UNDER THIS SECTION:

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

29 (II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE
30 CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE COUNTY AS
31 AUTHORIZED BY THIS SECTION.

1 **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER**
2 **THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED**
3 **BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.**

4 **(D) THE GOVERNING BODY OF KENT COUNTY SHALL ADOPT GUIDELINES TO**
5 **CARRY OUT THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2016.