

SENATE BILL 45

R4

7lr0012

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: October 5, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 8, 2017

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration – Driving Instructors – Criminal History Records**
3 **Checks**

4 FOR the purpose of requiring the Criminal Justice Information System Central Repository
5 of the Department of Public Safety and Correctional Services to provide to the Motor
6 Vehicle Administration certain revised criminal history record information under
7 certain circumstances; altering the application process for a criminal history records
8 check for driving instructors; making a certain technical correction; making a
9 stylistic change; and generally relating to criminal history records checks for driving
10 instructors.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 15–804(b)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

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

18 **Article – Transportation**

19 15–804.

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 (b) (1) In this subsection, “Central Repository” means the Criminal Justice
2 Information System Central Repository of the Department of Public Safety and
3 Correctional Services.

4 (2) The Administration shall apply to the Central Repository for a State
5 and national criminal history records check for each applicant.

6 (3) As part of the application for a criminal history records check, the
7 Administration shall submit to the Central Repository:

8 (i) ~~Two complete sets~~ **ONE COMPLETE SET** of the applicant’s
9 legible fingerprints taken ~~on forms~~ **IN A MANNER** approved by the Director of the Central
10 Repository and the Director of the Federal Bureau of Investigation;

11 (ii) The fee authorized under § 10–221(b)(7) of the Criminal
12 Procedure Article for access to Maryland criminal history records; and

13 (iii) The mandatory processing fee required by the Federal Bureau of
14 Investigation for a national criminal history records check.

15 (4) In accordance with §§ 10–201 through ~~[10–234]~~ **10–229** of the Criminal
16 Procedure Article, the Central Repository shall forward to the applicant and the
17 Administration the applicant’s criminal history ~~records~~ **RECORD** information.

18 **(5) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO**
19 **THE CENTRAL REPOSITORY AFTER THE DATE OF THE CRIMINAL HISTORY RECORDS**
20 **CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE ADMINISTRATION A**
21 **REVISED PRINTED STATEMENT OF THE INDIVIDUAL’S CRIMINAL HISTORY RECORD**
22 **INFORMATION.**

23 ~~(5)~~ **(6)** Information obtained from the Central Repository under this
24 subsection:

25 (i) Is confidential and may not be disseminated; and

26 (ii) Shall be used only for the licensing purpose authorized by this
27 subsection.

28 ~~(6)~~ **(7)** The subject of a criminal history records check under this
29 subsection may contest the contents of the printed statement issued by the Central
30 Repository as provided in § 10–223 of the Criminal Procedure Article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2017.