

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1008 (Senator Carter)
Judicial Proceedings

Public Safety - Criminal History Records Check - Fire Departments, Rescue Squads, and Ambulance Services

This bill prohibits a fire department, a rescue squad, or an ambulance service from, before the first in-person interview of an applicant, (1) requiring the applicant to disclose whether the applicant has a criminal record or has had criminal accusations brought against the applicant or (2) conducting a criminal history records check of the applicant. In addition, the bill requires each fire department, rescue squad, and ambulance service to establish a peer review committee; the bill establishes the composition and duties of the peer review committee.

Fiscal Summary

State Effect: The bill does not materially affect State finances.

Local Effect: The bill does not materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: State appointing authorities in the Executive, Legislative, or Judicial branches are generally prohibited from inquiring into the criminal record or history of an applicant for employment until the applicant has been given an opportunity for an interview. However, exemptions exist for the Department of Public Safety and Correctional Services (DPSCS), any position for which an appointing authority is required by law to conduct a criminal history records check, any position in the sheriff's office of any county (with respect to constitutional obligations), or any position within the State Personnel

Management System exempted by the Secretary of Budget and Management. An appointing authority may still notify an applicant that prior criminal convictions may prohibit employment for some positions.

Chapter 3 of 2020 prohibits an employer with 15 or more full-time employees from, before the first in-person interview, requiring the applicant to disclose whether the applicant has a criminal record or has had criminal accusations brought against the applicant. The prohibitions do not apply to an employer that is expressly authorized to do so by another applicable federal or State law or if the employer provides programs, services, or direct care to minors or to vulnerable adults. The provisions may not be construed to preempt a local jurisdiction from enacting or enforcing a more restrictive criminal record screening law.

DPSCS's Criminal Justice Information System (CJIS) Central Repository collects, manages, and disseminates Maryland's 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. When a state mandates a national check, FBI requires that the national check be set in statute. The CJIS Central Repository is authorized by law to collect a fee for providing criminal history record information for purposes other than criminal justice. Each individual subject to a criminal history records check is required to pay \$51.25 for a State and national criminal history records check, which includes a \$20 fingerprinting fee, a \$13.25 FBI fee, and an \$18 fee to the CJIS Central Repository.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 586 (Delegate Bartlett, *et al.*) - Judiciary.

Information Source(s): Maryland Institute for Emergency Medical Services Systems; Anne Arundel, Charles, and Frederick counties; Maryland Association of Counties; City of Havre de Grace; Maryland Municipal League; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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rh/lgc

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