

HOUSE BILL 728

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2lr0814
CF SB 371

By: **Carroll County Delegation**

Introduced and read first time: February 3, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 29, 2022

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of repealing provisions relating to obtaining a criminal history records
5 check in Carroll County; authorizing the Department of Human Resources in Carroll
6 County to request in a certain manner from the Criminal Justice Information System
7 Central Repository of the Department of Public Safety and Correctional Services a
8 State and national criminal history records check for a certain prospective county
9 employee or volunteer; and generally relating to criminal history records checks.

10 BY repealing

11 Article – Criminal Procedure

12 Section 10–232

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2021 Supplement)

15 BY adding to

16 Article – Criminal Procedure

17 Section 10–232

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2021 Supplement)

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

21 That the Laws of Maryland read as follows:

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.



Article – Criminal Procedure

[10–232.

(a) This section does not apply to a person who provides services or performs duties voluntarily and without compensation for the government of Carroll County.

(b) The County Commissioners of Carroll County may request a State and national criminal history records check from the Central Repository for:

(1) a current or prospective employee of Carroll County who is or will be assigned to a position that involves:

(i) inspections;

(ii) approval or denial of a permit, license, or other grant of authority;

(iii) work in the offices of the County Commissioners, sheriff, State’s Attorney, circuit court, or county attorney; or

(iv) collecting or handling money; or

(2) a current or prospective employee of a person that has a contract with Carroll County if the contract involves work in a place that requires security of personnel or files, including the county courthouse, the local correctional facility, the State’s Attorney’s office, a county commissioner’s office, and the county attorney’s office.

(c) The Comptroller of Carroll County shall pay to the Department the fee that the Department imposes for each request made under subsection (b) of this section.

(d) If the request for a criminal history records check under subsection (b) of this section requires that information be obtained from the Federal Bureau of Investigation, the person who is the subject of the request shall submit to the Department a complete and legible set of the person’s fingerprints on standard fingerprint cards.]

10–232.

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

(B) THE DEPARTMENT OF HUMAN RESOURCES OF CARROLL COUNTY MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF CARROLL COUNTY WHO WILL BE ASSIGNED TO A POSITION THAT INVOLVES:

1 **(1) INSPECTIONS;**

2 **(2) APPROVAL OR DENIAL OF A PERMIT, A LICENSE, OR ANY OTHER**
3 **GRANT OF AUTHORITY;**

4 **(3) WORK IN THE OFFICES OF THE COUNTY COMMISSIONERS,**
5 **SHERIFF, STATE'S ATTORNEY, CIRCUIT COURT, OR COUNTY ATTORNEY;**

6 **(4) COLLECTING OR HANDLING MONEY; OR**

7 **(5) CARE OR SUPERVISION OF A MINOR.**

8 **(C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
9 **RECORDS CHECK, THE DEPARTMENT OF HUMAN RESOURCES OF CARROLL COUNTY**
10 **SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

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

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

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

20 **(2) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL**
21 **REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE OR VOLUNTEER**
22 **AND THE DEPARTMENT OF HUMAN RESOURCES OF CARROLL COUNTY THE**
23 **PROSPECTIVE EMPLOYEE'S OR VOLUNTEER'S CRIMINAL HISTORY RECORD**
24 **INFORMATION.**

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

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

28 **(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE**
29 **CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE COUNTY AS**
30 **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 CARROLL COUNTY SHALL ADOPT**
5 **GUIDELINES TO CARRY OUT THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.