

# SENATE BILL 708

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Health)**  
Introduced and read first time: February 6, 2023  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Youth Camps, Development Organizations, and Programs**  
3 **– Criminal History Records Checks**

4 FOR the purpose of requiring the Maryland Department of Health to apply to the Criminal  
5 Justice Information System Central Repository for criminal history records checks  
6 for certain youth camp applicants; repealing the authority of youth development  
7 organizations and programs to request from the Department a determination of  
8 whether the results of a criminal history records check would prohibit the hiring of  
9 a job applicant; and generally relating to youth camps, development organizations,  
10 and programs and criminal history records checks.

11 BY adding to  
12 Article – Health – General  
13 Section 14–403.1  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Health – General  
18 Section 14–407  
19 Annotated Code of Maryland  
20 (2019 Replacement Volume and 2022 Supplement)

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

23 **Article – Health – General**

24 **14–403.1.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
2 **INDICATED.**

3           **(2) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING TO**  
4 **BECOME A YOUTH CAMP OWNER, OPERATOR, EMPLOYEE, OR VOLUNTEER WHO WILL**  
5 **HAVE ACCESS TO A CAMPER.**

6           **(3) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE**  
7 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**  
8 **SAFETY AND CORRECTIONAL SERVICES.**

9           **(B) THE DEPARTMENT SHALL APPLY TO THE CENTRAL REPOSITORY FOR**  
10 **AN APPLICANT'S:**

11           **(1) STATE CRIMINAL HISTORY RECORDS CHECK; AND**

12           **(2) NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

13           **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**  
14 **CHECK, THE DEPARTMENT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

15           **(1) A COMPLETE SET OF THE APPLICANT'S LEGIBLE FINGERPRINTS**  
16 **TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY**  
17 **AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

18           **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL**  
19 **PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;**  
20 **AND**

21           **(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL**  
22 **BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

23           **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**  
24 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
25 **APPLICANT AND THE DEPARTMENT THE APPLICANT'S CRIMINAL HISTORY RECORD**  
26 **INFORMATION.**

27           **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**  
28 **THIS SECTION:**

29           **(1) IS CONFIDENTIAL;**

30           **(2) MAY NOT BE REDISSEMINATED; AND**

1           **(3) MAY BE USED ONLY FOR THE PERSONNEL SCREENING**  
2 **PROCEDURES AUTHORIZED BY THIS SUBTITLE.**

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

7           **(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**  
8 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**  
9 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE**  
10 **DEPARTMENT REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE**  
11 **APPLICANT.**

12 14-407.

13           [(a) In this section, “youth development organization or program” means an  
14 organization or a program that provides activities for minors.]

15           **[(b)] (A)**       The Department shall:

16                   (1)     Investigate complaints received regarding **[the] A** youth camp; and

17                   (2)     Require appropriate training, including knowledge of outdoor camping,  
18 for a camp inspector.

19           **[(c)] (B)**     (1)     Before a youth camp **[or youth development organization or**  
20 **program]** makes a formal offer of employment to a job applicant, the operator of the youth  
21 camp **[or youth development organization or program]** may request from the Department  
22 a determination as to whether the results of a **[federal] NATIONAL OR STATE** criminal  
23 history records check would be the basis for prohibiting the hiring of the applicant.

24                   (2)     On receipt of a request from the operator of a youth camp **[or youth**  
25 **development organization or program]** under paragraph (1) of this subsection, the  
26 Department shall issue a written determination to the youth camp **[or youth development**  
27 **organization or program]** as to whether the results of a **[federal] NATIONAL OR STATE**  
28 criminal history records check would be the basis for prohibiting the hiring of the applicant.

29                   (3)     A determination issued by the Department under paragraph (2) of this  
30 subsection is binding on the Department and the youth camp **[or youth development**  
31 **organization or program]** unless the applicant:

32                           (i)     Has subsequently been convicted of a crime;

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1 (ii) Has pending criminal charges; or

2 (iii) Had previously undisclosed criminal convictions.

3 (4) The Department may set a reasonable fee to cover the cost of a criminal  
4 history records check required under this subsection.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2023.