

SENATE BILL 708

J1

3lr0016

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

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: March 8, 2023

CHAPTER _____

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; requiring that the Department issue a written
7 determination to a youth camp as to whether the results of a criminal history check
8 would be the basis for prohibiting the hiring of an applicant within a certain time
9 period; repealing the authority of youth development organizations and programs to
10 request from the Department a determination of whether the results of a criminal
11 history records check would prohibit the hiring of a job applicant; and generally
12 relating to youth camps, development organizations, and programs and criminal
13 history records checks.

14 BY adding to
15 Article – Health – General
16 Section 14–403.1
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 14–407
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2022 Supplement)

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

3 **Article – Health – General**

4 **14-403.1.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (2) “APPLICANT” MEANS AN INDIVIDUAL WHO IS SEEKING TO
8 BECOME A YOUTH CAMP OWNER, OPERATOR, EMPLOYEE, OR VOLUNTEER WHO WILL
9 HAVE ACCESS TO A CAMPER.

10 (3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE
11 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC
12 SAFETY AND CORRECTIONAL SERVICES.

13 (B) THE DEPARTMENT SHALL APPLY TO THE CENTRAL REPOSITORY FOR
14 AN APPLICANT’S:

15 (1) STATE CRIMINAL HISTORY RECORDS CHECK; AND

16 (2) NATIONAL CRIMINAL HISTORY RECORDS CHECK.

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

19 (1) A COMPLETE SET OF THE APPLICANT’S LEGIBLE FINGERPRINTS
20 TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY
21 AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

22 (2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL
23 PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;
24 AND

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

27 (D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL
28 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE
29 APPLICANT AND THE DEPARTMENT THE APPLICANT’S CRIMINAL HISTORY RECORD
30 INFORMATION.

1 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
2 **THIS SECTION:**

3 **(1) IS CONFIDENTIAL;**

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

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

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

11 **(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
12 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
13 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE**
14 **DEPARTMENT REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE**
15 **APPLICANT.**

16 14-407.

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

19 **[(b) (A) The Department shall:**

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

21 **(2) Require appropriate training, including knowledge of outdoor camping,**
22 **for a camp inspector.**

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

28 **(2) ~~On~~ WITHIN 3 BUSINESS DAYS AFTER receipt of a request from the**
29 **operator of a youth camp [or youth development organization or program] under paragraph**
30 **(1) of this subsection, the Department shall issue a written determination to the youth**
31 **camp [or youth development organization or program] as to whether the results of a**
32 **[federal] NATIONAL OR STATE criminal history records check would be the basis for**
33 **prohibiting the hiring of the applicant.**

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

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

5 (ii) Has pending criminal charges; or

6 (iii) Had previously undisclosed criminal convictions.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.