

**HB1140/963226/1**

BY: Ways and Means Committee

AMENDMENTS TO HOUSE BILL 1140  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Applicant Review**” and substitute “**Background Checks and Fingerprinting**”; strike beginning with “virtual” in line 3 down through “service” in line 11 and substitute “a virtual tutoring service that contracts with a county board of education or a nonpublic school to conduct a criminal history records check for any individual at the virtual tutoring service who engages with a minor; exempting certain virtual tutoring services from collecting certain information about its employees under certain circumstances”; strike beginning with “applicants” in line 11 down through “with” in line 12 and substitute “criminal history records checks and”; and after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–550 and 5–551(a) and (g)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “MEANS” in line 14 down through “VIRTUALLY” in line 15 and substitute “**HAS THE MEANING STATED IN § 5–550 OF THE FAMILY LAW ARTICLE**”; and in line 16, after “(b)” insert “**THIS SECTION DOES NOT APPLY TO A VIRTUAL TUTORING SERVICE THAT CONDUCTS A CRIMINAL HISTORY RECORDS CHECK UNDER § 5–555 OF THE FAMILY LAW ARTICLE.**

**(c)**”.

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On page 2 in line 16, on page 3 in line 25, on page 4 in lines 7, 11, 13, and 20 and 21, on page 7 in lines 30 and 32, on page 8 in lines 6, 14, and 16 and 17, on page 9 in line 29, and on page 10 in lines 8 and 9 and 16 and 17, in each instance, strike “**VIRTUAL TUTORING SERVICE,**”.

On page 3, in line 23, strike “(c)” and substitute “**(D)**”; in the same line, strike “(g)” and substitute “**(H)**”; in line 27, strike “(b)(1)” and substitute “**(C)(1)**”; and in line 31, strike “(b)(3)” and substitute “**(C)(3)**”.

On page 4, in line 5, strike “(d)” and substitute “**(E)**”; in line 10, strike “(b)(3)” and substitute “**(C)(3)**”; and in line 23, strike “(e)” and substitute “**(F)**”.

On page 4 in line 6, on page 5 in lines 4, 19, 22, and 28, on page 6 in lines 2, 20, and 29, and on page 7 in line 9, in each instance, strike “(c)” and substitute “**(D)**”.

On page 5, in line 18, strike “(f)” and substitute “**(G)**”; in line 26, strike “(g)” and substitute “**(H)**”; and strike in their entirety lines 23 through 25, inclusive.

On page 6, strike in their entirety lines 8 through 17, inclusive; and in line 18, strike “(h)” and substitute “**(I)**”.

On page 7, in line 7, strike “(i)” and substitute “**(J)**”; in line 24, strike “(b)(3)” and substitute “**(C)(3)**”; and in line 29, strike “(j)” and substitute “**(K)**”.

On page 8, in line 6, strike “(k)” and substitute “**(L)**”.

On page 9, in lines 4, 9, and 23, strike “(l)”, “(m)”, and “(n)”, respectively, and substitute “**(M)**”, “**(N)**”, and “**(O)**”, respectively; in line 7, strike “**VIRTUAL TUTORING SERVICES,**”; and in line 12, strike “**A VIRTUAL TUTORING SERVICE,**”.

On page 10, in line 7, strike “(o)” and substitute “**(P)**”; and after line 22, insert:

“Article – Family Law

5–550.

(a) In this Part V of this subtitle the following words have the meanings indicated.

(b) “Authorized agency” means a State, county, or municipal government agency.

(c) “Central Repository” means the Criminal Justice Information System Central Repository of the Department.

(d) “Conviction” means a plea or verdict of guilty or a plea of nolo contendere.

(e) “Criminal history records check” means a records check of the criminal history record information maintained by the Central Repository or the Federal Bureau of Investigation.

(f) “Department” means the Department of Public Safety and Correctional Services.

(g) (1) “Employee” means a person that for compensation is employed to work in a facility identified in § 5–551 of this subtitle and who:

(i) cares for or supervises children in the facility; or

(ii) has access to children who are cared for or supervised in the facility.

(2) “Employee” includes:

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(i) a person who:

1. participates in a pool described in subsection (h)(2) of this section;

2. for compensation will be employed on a substitute or temporary basis to work in a facility identified in § 5-551(a)(1) or (2) of this subtitle; and

3. will care for or supervise children in the facility or will have access to children who are cared for or supervised in the facility; and

(ii) a contractor or subcontractor who:

1. will have direct, unsupervised, and uncontrolled access to children in a facility identified in § 5-551(a) of this subtitle; OR

2. WILL HAVE VIRTUAL ACCESS TO CHILDREN AS PART OF A VIRTUAL TUTORING SERVICE IDENTIFIED IN § 5-551(A) OF THIS SUBTITLE.

(3) “Employee” does not include any person employed to work for compensation by the Department of Juvenile Services.

(h) (1) “Employer” means an owner, operator, proprietor, or manager of a facility identified in § 5-551 of this subtitle who has frequent contact with children who are cared for or supervised in the facility.

(2) For purposes of §§ 5-551(f), 5-554(1), 5-555(b) and (e), and 5-557 of this subtitle, “employer” includes a child care resource and referral center, an

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association of registered family child care providers, and an association of licensed child care centers to the extent that the center or association establishes and maintains a pool of individuals who are qualified to work as substitute or temporary employees in a facility identified in § 5–551(a)(1) or (2) of this subtitle.

(3) “Employer” does not include a State or local agency responsible for the temporary or permanent placement of children in a facility identified in § 5–551 of this subtitle.

(i) “Local department” has the meaning stated in § 1–101(h) of this article.

(j) “Private entity” means a nongovernmental agency, organization, or employer.

(k) “Secretary” means the Secretary of Public Safety and Correctional Services.

**(L) “VIRTUAL TUTORING SERVICE” MEANS AN ENTITY THAT ENTERS INTO A CONTRACT WITH A COUNTY BOARD OF EDUCATION, INCLUDING THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, OR A NONPUBLIC SCHOOL TO PROVIDE LIVE, VIRTUAL, VIDEO–BASED TUTORING TO STUDENTS.**

5–551.

(a) The following facilities shall require employees and employers to obtain a criminal history records check under this Part V of this subtitle:

(1) a child care center required to be licensed under Title 9.5, Subtitle 4 of the Education Article;

(2) a family child care home or large family child care home required to be registered under Title 9.5, Subtitle 3 of the Education Article;

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(3) a child care home required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(4) a child care institution required to be licensed under this subtitle or under Title 9 of the Human Services Article;

(5) a juvenile detention, correction, or treatment facility provided for in Title 9 of the Human Services Article;

(6) a public school as defined in Title 1 of the Education Article;

(7) a private or nonpublic school required to report annually to the State Board of Education under Title 2 of the Education Article;

(8) a foster care family home or group facility as defined under this subtitle;

(9) a recreation center or recreation program operated by the State, a local government, or a private entity primarily serving minors;

(10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code of Maryland Regulations, primarily serving minors; [or]

(11) a home health agency or residential service agency licensed by the Maryland Department of Health and authorized under Title 19 of the Health – General Article to provide home– or community–based health services for minors; OR

**(12) A VIRTUAL TUTORING SERVICE.**

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(g) (1) Except as provided in paragraph (2) of this subsection, a person who is required to have a criminal history records check under this Part V of this subtitle shall pay for:

(i) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check;

(ii) reasonable administrative costs to the Department, not to exceed 10% of the processing fee; and

(iii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records.

(2) A volunteer under subsection (c), (d), or (e) of this section who volunteers for a program that is registered with the Maryland Mentoring Partnership OR A VIRTUAL TUTORING SERVICE is required to pay only the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.”.