

# HOUSE BILL 1254

F5, O4

4lr2453  
CF 4lr3257

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By: **Delegate Wells**

Introduced and read first time: February 8, 2024

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Child Care Providers – Criminal History Records Checks and Abuse and Neglect**  
3 **Clearances – Requirements**

4 FOR the purpose of requiring certain individuals to submit to a criminal history records  
5 check before the individual is authorized to have a position involving direct contact  
6 with children in a licensed child care center, registered family child care home, or  
7 registered large family child care home; requiring the State Department of  
8 Education to establish a dedicated unit to process certain criminal history records  
9 checks; requiring the Department of Human Services to provide notice of child abuse  
10 and neglect clearance for employees at child care centers at certain times, in a certain  
11 manner, and under certain circumstances; and generally relating to criminal history  
12 records checks and child abuse and neglect clearances and child care providers.

13 BY adding to

14 Article – Education  
15 Section 9.5–117 and 9.5–118  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Education  
20 Section 9.5–414  
21 Annotated Code of Maryland  
22 (2022 Replacement Volume and 2023 Supplement)

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

25 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **9.5-117.**

2 (A) A PROSPECTIVE EMPLOYEE OR VOLUNTEER OR AN ADDITIONAL ADULT  
3 WHO WILL HAVE A POSITION INVOLVING DIRECT CONTACT WITH CHILDREN AT A  
4 LICENSED CHILD CARE CENTER, REGISTERED FAMILY CHILD CARE HOME, OR  
5 REGISTERED LARGE FAMILY CHILD CARE HOME SHALL SUBMIT TO A CRIMINAL  
6 HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9.5-118 OF THIS SUBTITLE.

7 (B) (1) (I) THE DEPARTMENT SHALL ESTABLISH A UNIT WITHIN THE  
8 DEPARTMENT FOR THE DEDICATED PURPOSE OF PROCESSING AND MANAGING  
9 INFORMATION ABOUT CRIMINAL HISTORY RECORDS CHECKS FOR INDIVIDUALS  
10 PROVIDING CHILD CARE SERVICES.

11 (II) THE PROGRAM MAY BE STAFFED BY CREDENTIALING  
12 SPECIALISTS IN THE REGIONAL CHILD CARE LICENSING OFFICES THROUGHOUT THE  
13 STATE.

14 (2) THE UNIT SHALL NOTIFY AN INDIVIDUAL WHO HAS SUBMITTED AN  
15 APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK:

16 (I) WITHIN 10 DAYS OF SUBMISSION OF RECEIPT AND STATUS  
17 OF THE APPLICATION; AND

18 (II) WITHIN 45 DAYS OF SUBMISSION, THE APPLICANT'S  
19 ELIGIBILITY TO PROVIDE CHILD CARE SERVICES IN A LICENSED OR REGISTERED  
20 CHILD CARE PROGRAM.

21 (C) (1) A CRIMINAL HISTORY RECORDS CHECK OF AN INDIVIDUAL  
22 APPROVED TO PROVIDE CHILD CARE SERVICES SHALL REMAIN VALID FOR 5 YEARS.

23 (2) (I) THE UNIT SHALL MAINTAIN A LIST OF INDIVIDUALS WHO  
24 HAVE SUBMITTED CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH  
25 THIS SECTION.

26 (II) THE UNIT MAY SHARE THE NAME AND STATUS OF AN  
27 INDIVIDUAL ON THE LIST WITH:

28 1. A LICENSED CHILD CARE CENTER, REGISTERED  
29 FAMILY CHILD CARE HOME, OR REGISTERED LARGE FAMILY CHILD CARE HOME AT  
30 WHICH THE INDIVIDUAL SEEKS TO VOLUNTEER OR BE EMPLOYED; AND

31 2. THE INDIVIDUAL.

1           **(3) THE UNIT SHALL, ON REQUEST BY AN INDIVIDUAL OR CHILD CARE**  
2 **PROVIDER, PROVIDE WRITTEN NOTICE TO A LICENSED CHILD CARE CENTER,**  
3 **REGISTERED FAMILY CHILD CARE HOME, OR REGISTERED LARGE FAMILY CHILD**  
4 **CARE HOME THAT AN INDIVIDUAL WHO SEEKS TO BE EMPLOYED BY OR VOLUNTEER**  
5 **WITH THE CHILD CARE PROVIDER HAS A VALID CRIMINAL HISTORY RECORDS CHECK**  
6 **ON FILE WITH THE DEPARTMENT.**

7 **9.5-118.**

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

10           **(2) (I) “APPLICANT” MEANS AN INDIVIDUAL WHO IS APPLYING FOR**  
11 **A POSITION INVOLVING DIRECT CONTACT WITH CHILDREN IN A LICENSED CHILD**  
12 **CARE CENTER, REGISTERED FAMILY CHILD CARE HOME, OR REGISTERED LARGE**  
13 **FAMILY CHILD CARE HOME.**

14           **(II) “APPLICANT” INCLUDES A VOLUNTEER OR AN ADDITIONAL**  
15 **ADULT WHO ASSISTS A CHILD CARE PROVIDER IN CARING FOR CHILDREN IN A**  
16 **FAMILY CHILD CARE HOME OR A LARGE FAMILY CHILD CARE HOME.**

17           **(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**  
18 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**  
19 **SAFETY AND CORRECTIONAL SERVICES.**

20           **(B) AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**  
21 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

22           **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**  
23 **CHECK, AN INDIVIDUAL SHALL COMPLETE AND SUBMIT TO THE CENTRAL**  
24 **REPOSITORY:**

25           **(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT**  
26 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR**  
27 **OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

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

1           **(D) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–229 OF THE CRIMINAL**  
2 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
3 **INDIVIDUAL AND THE UNIT IN THE STATE DEPARTMENT OF EDUCATION THE**  
4 **INDIVIDUAL’S CRIMINAL HISTORY RECORD INFORMATION.**

5           **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**  
6 **THIS SECTION:**

7                   **(1) IS CONFIDENTIAL;**

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

9                   **(3) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS**  
10 **TITLE.**

11           **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**  
12 **SECTION MAY CONTEST THE CONTENTS OF THE CRIMINAL HISTORY RECORD**  
13 **INFORMATION ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF**  
14 **THE CRIMINAL PROCEDURE ARTICLE.**

15 9.5–414.

16           **(a) (1) Each employee, as defined in § 5–550 of the Family Law Article, of a**  
17 **child care center that is required to be licensed or to hold a letter of compliance under this**  
18 **subtitle shall apply to the Department of Human Services, on or before the first day of**  
19 **actual employment, for a child abuse and neglect clearance.**

20                   **(2) THE DEPARTMENT OF HUMAN SERVICES SHALL NOTIFY THE**  
21 **EMPLOYEE:**

22                           **(I) WITHIN 10 DAYS OF SUBMISSION OF RECEIPT AND STATUS**  
23 **OF THE APPLICATION; AND**

24                           **(II) WITHIN 45 DAYS OF SUBMISSION WHETHER THE EMPLOYEE**  
25 **RECEIVED CHILD ABUSE AND NEGLECT CLEARANCE.**

26                   **(3) A CHILD ABUSE AND NEGLECT CLEARANCE OF AN EMPLOYEE**  
27 **SHALL REMAIN VALID FOR 5 YEARS.**

28                   **(4) (I) THE DEPARTMENT OF HUMAN SERVICES SHALL MAINTAIN**  
29 **A LIST OF EMPLOYEES WHO HAVE APPLIED FOR CHILD ABUSE AND NEGLECT**  
30 **CLEARANCES.**

1                                   **(II) THE DEPARTMENT MAY SHARE THE NAME AND STATUS OF**  
2 **AN APPLICANT WITH:**

3                                   **1. A CHILD CARE CENTER FROM WHICH THE INDIVIDUAL**  
4 **SEEKS EMPLOYMENT; AND**

5                                   **2. THE APPLICANT.**

6                                   **(5) THE DEPARTMENT OF HUMAN SERVICES SHALL, ON REQUEST BY**  
7 **AN INDIVIDUAL OR A CHILD CARE CENTER, PROVIDE WRITTEN NOTICE TO A CHILD**  
8 **CARE CENTER FOR WHICH AN INDIVIDUAL SEEKS EMPLOYMENT THAT THE**  
9 **INDIVIDUAL HAS RECEIVED A CHILD ABUSE AND NEGLECT CLEARANCE.**

10                   (b) The Department may prohibit the operator of a child care center that is  
11 required to be licensed or to hold a letter of compliance under this subtitle from employing  
12 an individual who:

13                                   (1) Has received a conviction, a probation before judgment disposition, a  
14 not criminally responsible disposition, or a pending charge for any crime or attempted crime  
15 enumerated in the regulations adopted by the Department of Public Safety and  
16 Correctional Services under Title 5, Subtitle 5, Part V of the Family Law Article; or

17                                   (2) Has been identified as responsible for child abuse or neglect.

18                   (c) The operator of a child care center that is required to be licensed or to hold a  
19 letter of compliance under this subtitle shall immediately notify the Department of a  
20 criminal history records check of an employee that reports a conviction, a probation before  
21 judgment disposition, a not criminally responsible disposition, or a pending charge for any  
22 crime or attempted crime enumerated in the regulations adopted by the Department of  
23 Public Safety and Correctional Services under Title 5, Subtitle 5, Part V of the Family Law  
24 Article.

25                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2024.