

# SENATE BILL 883

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CF HB 1140

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By: ~~Senator King~~ Senators King, Augustine, Brooks, Feldman, Lewis Young, M. Washington, and Watson

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Virtual Tutoring Services – ~~Applicant Review~~ Background Checks**  
3 **and Fingerprinting**

4 FOR the purpose of requiring ~~virtual tutoring services to require an applicant for a position~~  
5 ~~involving direct contact with minors to submit certain information relating to child~~  
6 ~~sexual abuse or sexual misconduct of the applicant; requiring certain former~~  
7 ~~employers of an applicant to submit certain information to the virtual tutoring~~  
8 ~~service; requiring a virtual tutoring service to review certain information submitted~~  
9 ~~by an applicant before hiring the applicant; authorizing a virtual tutoring service to~~  
10 ~~forward certain information gathered during an applicant review process to certain~~  
11 ~~organizations; allowing virtual tutoring services to use a certain prior employment~~  
12 ~~review by another virtual tutoring service~~ a county board of education, a nonpublic  
13 school, or a contracting agency that has contracted with a virtual tutoring service to  
14 require the virtual tutoring service to conduct a criminal history records check for  
15 any individual at the virtual tutoring service who engages with a minor; authorizing  
16 certain criminal history records checks conducted by a virtual tutoring service to  
17 satisfy certain fingerprinting and background requirements; and generally relating  
18 to applicants for employment with criminal history records checks and virtual  
19 tutoring services.

20 BY repealing and reenacting, with amendments,

21 Article – Education

22 Section 6–113.2

23 Annotated Code of Maryland

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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.



(2022 Replacement Volume and 2023 Supplement)

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)

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

**Article – Education**

6–113.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Child sexual abuse” has the meaning stated in § 6–113.1 of this subtitle.

(3) (i) “Contracting agency” means an entity that contracts with a county board or nonpublic school to provide a service to a school or the students of a school.

(ii) “Contracting agency” includes an entity that provides transportation to and from a school using a vehicle other than a Type I or Type II school vehicle, in accordance with § 7–801 of this article.

(4) “Direct contact with minors” means the care, supervision, guidance, or control of, or routine interaction with, a minor.

(5) “Emergent employee” means an employee hired by a county board or nonpublic school without completing the employment history review required under this section.

(6) “School” means a public or nonpublic school.

(7) “Sexual misconduct” has the meaning stated in § 6–113.1 of this subtitle.

**(8) “VIRTUAL TUTORING SERVICE” MEANS AN ENTITY THAT ~~HIRES TUTORS TO WORK WITH STUDENTS VIRTUALLY~~ ENTERS INTO A CONTRACT WITH A COUNTY BOARD OF EDUCATION OR NONPUBLIC SCHOOL TO PROVIDE LIVE, VIRTUAL, VIDEO–BASED TUTORING TO STUDENTS.**

(b) A county board, nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or contracting agency shall require an applicant for a position involving direct contact with minors to submit:

1 (1) The contact information of the following employers:

2 (i) The current employer;

3 (ii) All former school employers, including employers for which the  
4 applicant was an emergent employee; and

5 (iii) All former employers of the applicant in which the applicant was  
6 employed in a position involving direct contact with minors within the previous 10 years;

7 (2) A written consent form, signed by the applicant, authorizing an  
8 employer listed under item (1) of this subsection to release all records relating to child  
9 sexual abuse or sexual misconduct; and

10 (3) A written statement of whether the applicant:

11 (i) Has been the subject of a child sexual abuse or sexual misconduct  
12 investigation by any employer, arbitrator, county board, State licensing agency, law  
13 enforcement agency, or child protective services agency, unless the investigation resulted  
14 in a finding by:

15 1. The employer that allegations that the applicant engaged  
16 in sexual misconduct lacked sufficient evidence according to the policies of the county board  
17 or nonpublic school;

18 2. An arbitrator or a county board to reject any disciplinary  
19 action in response to allegations that the applicant engaged in sexual misconduct;

20 3. A State licensing agency that allegations that the  
21 applicant engaged in sexual misconduct lacked sufficient evidence according to:

22 A. State law; or

23 B. The policies of the county board or nonpublic school;

24 4. A law enforcement agency that allegations that the  
25 applicant engaged in child sexual abuse were unfounded; or

26 5. A child protective services agency that allegations that the  
27 applicant engaged in child sexual abuse were ruled out;

28 (ii) Has ever been disciplined, discharged, nonrenewed, or asked to  
29 resign from employment, or has ever resigned from or otherwise separated from any  
30 employment while allegations of child sexual abuse or sexual misconduct were pending or  
31 were under investigation, or due to an adjudication or findings of child sexual abuse or  
32 sexual misconduct; or

1 (iii) Has ever had a license, professional license, or certificate  
2 suspended, surrendered, or revoked while allegations of child sexual abuse or sexual  
3 misconduct were pending or under investigation, or due to an adjudication or findings of  
4 child sexual abuse or sexual misconduct.

5 (c) Except as provided in subsection (g) of this section, before hiring an applicant  
6 for a position involving direct contact with minors, the county board, nonpublic school,  
7 ~~VIRTUAL TUTORING SERVICE~~, or contracting agency shall:

8 (1) Review an applicant's employment history by contacting the employers  
9 listed by the applicant under subsection (b)(1) of this section and requesting the following  
10 information:

11 (i) The dates of employment of the applicant; and

12 (ii) Answers to the questions regarding child sexual abuse or sexual  
13 misconduct required under subsection (b)(3) of this section; and

14 (2) Request a report from the Department regarding the applicant's  
15 eligibility for employment or certification status to determine whether the applicant:

16 (i) Holds a valid and active certification appropriate for the position  
17 and is otherwise eligible for employment; and

18 (ii) Has been the subject of professional discipline related to child  
19 sexual abuse or sexual misconduct.

20 (d) (1) Not later than 20 days after receiving a request for information under  
21 subsection (c) of this section, an employer shall send to the county board, nonpublic school,  
22 ~~VIRTUAL TUTORING SERVICE~~, or contracting agency the information requested on the  
23 form prescribed by the Department.

24 (2) If the information from an employer includes an affirmative response  
25 to the child sexual abuse or sexual misconduct questions under subsection (b)(3) of this  
26 section, and the county board, nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or  
27 contracting agency makes a determination to further consider the applicant for  
28 employment, the county board, nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or  
29 contracting agency shall request that the former employer provide additional information  
30 about the information provided, including all records related to child sexual abuse or sexual  
31 misconduct.

32 (3) An employer that receives a request for additional information under  
33 paragraph (1) of this subsection shall provide the additional information within 60 days of  
34 the date of the prospective employer's request to:

1 (i) The requesting county board, nonpublic school, ~~VIRTUAL~~  
2 ~~TUTORING SERVICE~~, or contracting agency; and

3 (ii) The applicant who is under consideration for employment.

4 (e) (1) A county board or nonpublic school may hire an applicant as an  
5 emergent employee for a period not to exceed 60 days pending the review of information  
6 and records required under this section only if:

7 (i) The applicant has provided all the information and supporting  
8 documentation required under this section;

9 (ii) An employer has no knowledge of information regarding the  
10 applicant that would disqualify the applicant from employment;

11 (iii) The applicant swears or affirms that the applicant is not  
12 disqualified from employment; and

13 (iv) The applicant is not authorized to work alone with minors unless  
14 the applicant:

15 1. Works in the immediate vicinity of a permanent employee;  
16 or

17 2. If the applicant is a school vehicle driver, is subject to  
18 audio and video monitoring and recording, which is promptly reviewed by school  
19 administrators.

20 (2) Based on the employment history review required under subsection (c)  
21 of this section, at any time within 60 days after hiring an applicant as an emergent  
22 employee, the county board or nonpublic school may:

23 (i) Rescind the offer of employment; or

24 (ii) Complete the emergent employee's hiring process, in accordance  
25 with the provisions of this title, with any executed contract reflecting the first day worked  
26 as an emergent employee.

27 (3) Within 60 days after hiring an applicant as an emergent employee, a  
28 county board's decision to dismiss the emergent employee, for any reason other than child  
29 sexual abuse or sexual misconduct, may be appealed:

30 (i) In accordance with § 4-205 of this article;

31 (ii) In accordance with the collective bargaining agreement  
32 applicable to the emergent employee; or

1 (iii) If applicable, in accordance with § 6–202 of this title.

2 (f) (1) A county board or nonpublic school is authorized to share an  
3 employment history review required under subsection (c) of this section with other county  
4 boards and nonpublic schools.

5 (2) A contracting agency is authorized to share an employment history  
6 review required under subsection (c) of this section with other contracting agencies.

7 ~~(3) A VIRTUAL TUTORING SERVICE IS AUTHORIZED TO SHARE AN  
8 EMPLOYMENT HISTORY REVIEW REQUIRED UNDER SUBSECTION (C) OF THIS  
9 SECTION WITH OTHER VIRTUAL TUTORING SERVICES.~~

10 (g) (1) A county board or nonpublic school may use an employment history  
11 review completed by a current or former employer in the manner required under subsection  
12 (c) of this section if the employer is a county board or nonpublic school and the applicant:

13 (i) Swears or affirms that the completed employment history review  
14 includes all prior employment required to be reported under this section; and

15 (ii) Provides information about any employment subsequent to the  
16 previous employment history review by the current or former county board or nonpublic  
17 school.

18 (2) A contracting agency may use an employment history review completed  
19 by a current or former employer in the manner required under subsection (c) of this section  
20 if the employer is a contracting agency and the applicant:

21 (i) Swears or affirms that the completed employment history review  
22 includes all prior employment required to be reported under this section; and

23 (ii) Provides information about any employment subsequent to the  
24 previous employment history review by the contracting agency.

25 ~~(3) A VIRTUAL TUTORING SERVICE MAY USE AN EMPLOYMENT  
26 HISTORY REVIEW COMPLETED BY A CURRENT OR FORMER EMPLOYER IN THE  
27 MANNER REQUIRED UNDER SUBSECTION (C) OF THIS SECTION IF THE EMPLOYER IS  
28 A VIRTUAL TUTORING SERVICE AND THE APPLICANT:~~

29 ~~(I) SWEARS OR AFFIRMS THAT THE COMPLETED EMPLOYMENT  
30 HISTORY REVIEW INCLUDES ALL PRIOR EMPLOYMENT REQUIRED TO BE REPORTED  
31 UNDER THIS SECTION; AND~~

32 ~~(II) PROVIDES INFORMATION ABOUT ANY EMPLOYMENT  
33 SUBSEQUENT TO THE PREVIOUS EMPLOYMENT HISTORY REVIEW BY THE VIRTUAL  
34 TUTORING SERVICE.~~

1 (h) (1) (i) A county board, nonpublic school, or contracting agency shall  
2 conduct an employment history review of an applicant for a substitute position involving  
3 direct contact with minors as required under subsection (c) of this section before the initial  
4 hiring of the substitute employee or placement on the approved substitute employee list of  
5 the county board, nonpublic school, or contracting agency.

6 (ii) An employment history review of a substitute employee shall  
7 remain valid as long as the substitute employee continues to be employed by the same  
8 county board or remains on the approved substitute employee list of the nonpublic school  
9 or contracting agency.

10 (2) If a substitute employee is seeking to be added to the substitute  
11 employee list of another county board, nonpublic school, or contracting agency, a new  
12 employment history review in accordance with subsection (c) of this section is required.

13 (3) The appearance of a substitute employee on the substitute employee  
14 list of one county board, nonpublic school, or contracting agency does not relieve another  
15 county board, nonpublic school, or contracting agency of the duty of compliance with this  
16 section.

17 (4) An employment history review conducted on the initial hiring of a  
18 substitute employee by a contracting agency, an intermediate unit, or any other entity that  
19 provides substitute staffing services to a county board or a nonpublic school shall satisfy  
20 the requirements of this section for all school entities using the services of that contracting  
21 agency, intermediate unit, or other entity.

22 (5) A contracting agency, an intermediate unit, or any other entity  
23 providing substitute staffing services to a school entity shall comply with the provisions of  
24 this section.

25 (i) (1) (i) A contracting agency shall conduct an employment history  
26 review of an applicant for employment with the contracting agency as required under  
27 subsection (c) of this section:

- 28 1. At the time of the initial hiring of the employee; or  
29 2. Before the employee is assigned to work for a school entity  
30 in a position involving direct contact with minors.

31 (ii) The employment history review under subparagraph (i) of this  
32 paragraph shall remain valid as long as the employee continues to be employed by the  
33 hiring contracting agency.

34 (iii) A contracting agency shall:

1                   1.     Maintain a record of each employee's employment history  
2 review required under this subsection; and

3                   2.     On request of the school entity to which an employee is  
4 assigned, provide access to the contracting agency's records of that employee.

5                   (2)    (i)     Before assigning an employee to perform work for a school entity  
6 in a position involving direct contact with minors, a contracting agency shall provide notice  
7 to the school entity of any affirmative responses to the child sexual abuse or sexual  
8 misconduct questions required under subsection (b)(3) of this section.

9                   (ii)    A contracting agency may not assign an employee to perform  
10 work for a school entity in a position involving direct contact with minors if the school entity  
11 objects to the assignment after receiving the notice required under subparagraph (i) of this  
12 paragraph.

13                  (j)    (1)     Information and records about an applicant received by a county board,  
14 nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or contracting agency under this section  
15 are not a public record for the purposes of the Maryland Public Information Act.

16                  (2)     A county board, nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or  
17 contracting agency that receives information and records from an employer about an  
18 applicant under this section may:

19                         (i)     Use the information and records for the purpose of evaluating the  
20 applicant's fitness to be hired or for continued employment; and

21                         (ii)    Report the information to the Department, a State licensing  
22 agency, a law enforcement agency, a child protective services agency, another school entity,  
23 or any other prospective employer, as appropriate.

24                  (k)    (1)     A county board, nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or  
25 contracting agency may not enter into a collective bargaining agreement, an employment  
26 contract, an agreement for resignation or termination, a severance agreement, or any other  
27 contract or agreement that:

28                                 (i)     Has the effect of suppressing information relating to an  
29 investigation or disciplinary action in response to a report of suspected child sexual abuse  
30 or sexual misconduct by a current or former employee;

31                                 (ii)    Affects the ability of the county board, nonpublic school,  
32 ~~VIRTUAL TUTORING SERVICE~~, or contracting agency to report suspected child sexual  
33 abuse or sexual misconduct to the appropriate authorities; or

34                                 (iii)   Requires the county board, nonpublic school, ~~VIRTUAL~~  
35 ~~TUTORING SERVICE~~, or contracting agency to expunge information about allegations or



1 findings of suspected child sexual abuse or sexual misconduct from any document  
2 maintained by the employer unless the investigation resulted in a finding by:

3           1.     The employer that allegations that the applicant engaged  
4 in sexual misconduct lacked sufficient evidence according to the policies of the county board  
5 or nonpublic school;

6           2.     An arbitrator or a county board to reject any disciplinary  
7 action in response to allegations that the applicant engaged in sexual misconduct;

8           3.     A State licensing agency that allegations that the  
9 applicant engaged in sexual misconduct lacked sufficient evidence according to:

10           A.     State law; or

11           B.     The policies of the county board or nonpublic school;

12           4.     A law enforcement agency that allegations that the  
13 applicant engaged in child sexual abuse were unfounded; or

14           5.     A child protective services agency that allegations that the  
15 applicant engaged in child sexual abuse were ruled out.

16           (2)    A provision of an employment contract, an agreement for resignation or  
17 termination, or a severance agreement that is executed, amended, or entered into on or  
18 after July 1, 2019, and that is contrary to this section is void and unenforceable.

19           (l)    If there is a lapse in the operation of or the Department suspends the use of a  
20 system or database that the Department uses to check an applicant's eligibility for  
21 employment or certification status, the Department shall notify the county boards,  
22 nonpublic schools, ~~VIRTUAL TUTORING SERVICES~~, and any contracting agencies within  
23 48 hours of the lapse or the suspension of the use of the system or database.

24           (m)   (1)   A person acting in good faith may not be held liable for disclosing any  
25 information or records related to child sexual abuse or sexual misconduct about a current  
26 or former employee's professional conduct or reason for termination of employment to a  
27 county board, a nonpublic school, ~~A VIRTUAL TUTORING SERVICE~~, a contracting agency,  
28 the Department, or any other potential employer in accordance with this section unless the  
29 person:

30                   (i)   Acted with actual malice toward the employee or former  
31 employee; or

32                   (ii)   Intentionally or recklessly disclosed false information about the  
33 employee or former employee.

1           (2)    The immunity from liability under paragraph (1) of this subsection  
2 shall be in addition to, and not a limitation of, any other immunity provided by law or any  
3 absolute or conditional privilege applicable to the disclosure of information or records or  
4 the applicant's consent to the disclosure.

5           (n)   (1)    An applicant who provides false information or willfully fails to disclose  
6 material information required under this section shall be subject to professional discipline,  
7 including termination or denial of employment, and may be subject to professional  
8 discipline in accordance with the regulations of the Department.

9           (2)   (i)    Subject to subparagraph (ii) of this paragraph, the willful failure  
10 of an employer or former employer to respond to or provide the information and records  
11 requested by a county board, nonpublic school, ~~VIRTUAL TUTORING SERVICE~~, or  
12 contracting agency under this section may result in civil penalties or professional discipline,  
13 if appropriate.

14                   (ii)   An employer or a former employer may not be held liable for  
15 failure to respond to a request for information about an applicant under this section if:

16                           1.    The laws of the state in which the employer or former  
17 employer is located prohibit the release of the information or records requested; or

18                           2.    The disclosure of the information and records requested is  
19 restricted by the terms of a contract entered into on or before June 30, 2019.

20           (3)   (i)    Notwithstanding any other provision of law, the Department  
21 may initiate disciplinary action before a hearing officer in accordance with the  
22 Department's regulations against an applicant, an employee, a contracting agency, or a  
23 school administrator for willful violations of this section.

24                   (ii)   The Department may adopt regulations establishing procedures  
25 for disciplinary proceedings and the assessment of penalties in accordance with this section.

26           (o)    Nothing in this section shall be construed:

27                   (1)    To prevent a county board, nonpublic school, ~~VIRTUAL TUTORING~~  
28 ~~SERVICE~~, or contracting agency from:

29                           (i)    Conducting further investigations of prospective employees;

30                           (ii)   Requesting applicants to provide additional background  
31 information or authorizations beyond the information or authorizations required under this  
32 section; or

33                           (iii)   Requesting that an employer or a former employer provide more  
34 information than is required under this section;

1 (2) To relieve a county board, a nonpublic school, ~~A VIRTUAL TUTORING~~  
 2 ~~SERVICE~~, a contracting agency, or any other mandated reporter of the legal responsibility  
 3 to report suspected incidents of child sexual abuse or sexual misconduct in accordance with  
 4 State law or the reporting requirements of the Department; or

5 (3) To prohibit the right of an exclusive representative under a collective  
 6 bargaining agreement to grieve and arbitrate the validity of an employee's termination or  
 7 discipline for just cause or for the causes set forth in this section.

8 **(P) (1) A COUNTY BOARD, NONPUBLIC SCHOOL, OR CONTRACTING**  
 9 **AGENCY THAT HAS CONTRACTED WITH A VIRTUAL TUTORING SERVICE TO PROVIDE**  
 10 **SERVICES SHALL REQUIRE THE VIRTUAL TUTORING SERVICE TO CONDUCT A**  
 11 **CRIMINAL HISTORY RECORDS CHECK UNDER § 5-555 OF THE FAMILY LAW ARTICLE**  
 12 **FOR ANY INDIVIDUAL WORKING FOR OR CONTRACTING WITH A VIRTUAL TUTORING**  
 13 **SERVICE WHO INTERACTS WITH MINORS.**

14 **(2) FACILITIES SUBJECT TO § 5-551(A) OF THE FAMILY LAW ARTICLE**  
 15 **MAY USE A CRIMINAL HISTORY RECORDS CHECK COMPLETED BY A VIRTUAL**  
 16 **TUTORING SERVICE TO SATISFY THE REQUIREMENTS OF SUBSECTION (B) OF THIS**  
 17 **SECTION.**

#### Article – Family Law

19 5-550.

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

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

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

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

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

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

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

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

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

3                   (2) “Employee” includes:

4                   (i) a person who:

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

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

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

11                   (ii) a contractor or subcontractor who:

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

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

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

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

21                   (2) For purposes of §§ 5–551(f), 5–554(1), 5–555(b) and (e), and 5–557 of  
22 this subtitle, “employer” includes a child care resource and referral center, an association  
23 of registered family child care providers, and an association of licensed child care centers  
24 to the extent that the center or association establishes and maintains a pool of individuals  
25 who are qualified to work as substitute or temporary employees in a facility identified in §  
26 5–551(a)(1) or (2) of this subtitle.

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

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

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

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

1           **(L) “VIRTUAL TUTORING SERVICE” HAS THE MEANING STATED IN § 6-113.2**  
2 **OF THE EDUCATION ARTICLE.**

3 5-551.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3                           (ii) reasonable administrative costs to the Department, not to exceed  
4 10% of the processing fee; and

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

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

12                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.