

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1419 (Delegate Solomon)(By Request - Joint Audit and  
Evaluation Committee)

Government, Labor, and Elections and  
Judiciary

---

**Department of State Police - Centralized Background Check Division**

---

This bill establishes the Centralized Background Check Division in the Department of State Police (DSP). In coordination with the Department of Public Safety and Correctional Services (DPSCS), the division is responsible for oversight of position-related investigations of individuals who hold or have been selected to hold regulated positions. The bill establishes duties and responsibilities relating to background checks in the State, including that DSP must conduct all position-related background investigations for units of State and local government. The bill also establishes provisions related to the appointment and duties of designated individuals (who are responsible for all position-related background investigation processes and procedures within State and local government units), the disclosure of information, and reporting requirements.

---

**Fiscal Summary**

**State Effect:** The bill likely cannot be fully implemented as envisioned due to federal law, as discussed below; however, to the extent DSP can implement the bill, general fund expenditures for DSP increase significantly, potentially by more than \$25.0 million annually beginning in FY 2027, as discussed below. Other State agencies are also affected, as discussed below. State revenues are not anticipated to be materially affected.

**Local Effect:** Potential significant increase in local government expenditures, as discussed below. Local revenues are not anticipated to be materially affected.

**Small Business Effect:** Minimal or none.

---

## Analysis

**Bill Summary:** The Executive Director of the division is appointed by the Secretary of State Police.

*Duties of the Division and Related Requirements:* In coordination with DPSCS, the division must (1) establish standards and best practices for the centralization and efficiency of background investigation processes statewide; (2) work with State agencies and local governments to ensure that required position-related background investigations are conducted for individuals who hold appropriate positions and roles; (3) ensure that all position-related background investigations are accompanied by enrollment in the Federal Bureau of Investigation (FBI) Next Generation Identification Rap Back Program; and (4) adopt any rule, regulation, and policy necessary to implement the bill.

The division must require each unit of State and local government to (1) appoint a designated individual to oversee the position-related background investigation process and report to the division on all background investigation-related issues; (2) notify the division when the designated individual or a regulated position has changed; and (3) require the designated individual to undergo training on the appropriate role and responsibilities of a designated individual.

The division must provide or coordinate support services to units of State and local government, including (1) technical services and support for the implementation of Rap Back and (2) providing advice on the protection of all individuals, including minors, by strengthening hiring policies and background investigation procedures.

For each employee or service provider subject to a position-related background investigation for a regulated position, (1) the designated individual for a unit of State or local government must provide the division all information required to conduct the position-related background investigation and (2) the division must conduct a position-related background investigation promptly on receipt of a request from a unit of State or local government.

In performing a position-related background investigation under the bill, the division may request the assistance, as needed, of the Criminal Justice Information System Central Repository (CJIS-CR), the Police Commissioner of Baltimore City, the chief of police in any county or municipality maintaining a police force, or the sheriff in a county not maintaining a police force.

The division must update an initial criminal history records check (CHRC) for a position-related background investigation in accordance with federal requirements for the FBI Next Generation Identification Rap Back Program, applicable regulations, and other requirements under the bill. In addition, the division must promptly transmit the results of

the position-related background investigation and any subsequent update to the unit of State or local government that requested the position-related background investigation and the individual who is the subject of the position-related background investigation.

An individual who is the subject of a position-related background investigation may contest the results of an investigation, as specified.

*Disclosure and Reporting:* A unit of State or local government that provides funding for a regulated position must require, as a condition of funding, that the program or entity that receives the funding disclose to the unit the name and date of birth of each individual employed or supervised by the program or entity if the individual holds or is selected to hold a regulated position.

By October 1, 2027, and each October 1 thereafter, each unit of State and local government must report to the division the total number of regulated positions, disqualifying events for each position, and data on the employees or service providers disqualified for the most recent fiscal year.

By December 1, 2027, and each December 1 thereafter, the division must report to the Governor and the General Assembly on the following information submitted to the division for each unit of State and local government:

- the total number of position-related background investigations for each regulated position;
- the total number of alerts received through the FBI Next Generation Identification Rap Back Program, and what action, if any, was taken; and
- information regarding compliance with the reporting requirements for each unit of State and local government described above.

*Confidentiality Requirements:* The results of, and any record obtained through, a position-related background investigation, including any subsequent update (1) are confidential and must be treated as a personnel record; (2) may not be disseminated, except as required by law; and (3) may be used only for the purposes authorized under the bill.

Information accessed or obtained under specified provisions of the bill is subject to specified confidentiality requirements.

*Current Employees and Service Providers:* The bill's provisions may not be construed to require any employee or service provider within or funded by a unit of State or local government to undergo a position-related background investigation if the employee or service provider is employed by or providing services to a unit of State or local government before October 1, 2026.

*Failure to Comply:* The bill specifies – under provisions of the State Finance and Procurement Article relating to the suspension and debarment of contractors that are, in general, broadly applicable to all contracts with public bodies – that a person that fails to comply with the bill’s requirements may be subject to contract cancellation or debarment by a unit of State or local government or the Board of Public Works, if applicable.

*Definitions:* “Designated individual” means an employee of a unit of State or local government responsible for all position-related background investigation processes and procedures.

“Disqualifying event” means an event, including an arrest, an adjudication, a conviction, or a requirement for registration as a sex offender, for which an individual is ineligible to hold a regulated position.

“Employee or service provider” means an individual who provides services to an employer. The term includes a paid or unpaid volunteer or intern, a contractor, subcontractor, or vendor, and any other individual who provides goods or services to a unit of State or local government as determined by the division.

“Regulated position” means a position as an employee or service provider within or funded by a unit of State or local government that (1) is required by State or local law, regulation, or policy to have a position-related background investigation and (2) prohibited activity would disqualify an individual from holding.

### **Current Law:**

*State Requirements:* Pursuant to §§ 10-213 *et seq.* of the Criminal Procedure Article, CJIS-CR within DPSCS collects, manages, and disseminates Maryland Criminal History Record Information (CHRI) for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification. When a state mandates a national check, the FBI requires that the national check be set in statute. Additionally, FBI policy requires fingerprints to be initially submitted to the state identification bureau (for a check of state records) and then forwarded to the FBI for a “national” criminal history check. The total cost for each CJIS CHRC and fingerprinting is \$50.00, which includes State and national background checks. Of that amount, \$38.00 covers the cost of fingerprinting and the State portion of the records check and \$12.00 covers the FBI fee (national portion). In the case of child care volunteers, the FBI fee is reduced by \$2.00 to \$10.00; therefore, the total fee for child care volunteers is \$48.00.

Maryland law requires a CHRC for various types of public- and private-sector employment in the State, typically where it is determined that there is a job-related need. Examples of employees and employers that must apply for a CHRC at any designated law enforcement

office in Maryland include (1) licensed child care centers; (2) registered family day care homes; (3) licensed child care homes; (4) licensed child care institutions; (5) juvenile detention, correction, and treatment facilities; (6) public schools; (7) private and nonpublic schools required to report to the State Board of Education; (8) foster care family homes and group facilities; (9) government-operated recreation centers and programs that primarily serve minors; (10) adult dependent care programs; (11) assisted living programs; (12) licensed health care professionals; (13) day or residential camps that primarily serve minors; (14) State lottery employees; and (15) commercial and for-hire drivers.

*Federal Requirements:* FBI records are not public records. The Code of Federal Regulations (28 C.F.R. § 20.33) sets forth the authorized exchange of CHRI. Specifically, CHRI contained in the Interstate Identification Index System (III) System and the Fingerprint Identification Records System (FIRS) may be made available:

- to criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies;
- to federal agencies authorized to receive it pursuant to federal law or Executive Order;
- for use in connection with licensing or employment, pursuant to Public Law 92-544, 86 Stat. 1115 (discussed further below), or other federal legislation, and for other uses for which dissemination is authorized by federal law;
- for issuance of press releases and publicity designed to effect the apprehension of wanted persons in connection with serious or significant offenses;
- to criminal justice agencies in order to conduct background checks under the National Instant Criminal Background Check System;
- to noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies; and
- to private contractors pursuant to a specific agreement with an agency identified above and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the U.S. Attorney General, which must specifically authorize access to CHRI, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the U.S. Attorney General may require.

The FBI Office of the General Counsel Criminal Justice Information Law Unit reviews state statutes seeking access to FBI CHRI for licensing and employment purposes pursuant to Public Law 92-544 (codified at Title 34 U.S. Code § 41101). For access to FBI CHRI,

a statute (1) must exist as a result of a legislative enactment; (2) must require fingerprinting of applicants subject to a national criminal history background check; (3) must, expressly (“submit to the FBI”) or by implication (“submit for a national check”) authorize the use of FBI records for applicant screening; (4) must identify the specific category or categories of licensees or employees falling within its purview, thereby avoiding overbreadth; (5) must not be against public policy; and (6) may not authorize receipt of the CHRI by a private entity.

The authorized exchange of CHRI is subject to cancellation if dissemination is made outside the receiving departments, related agencies, or service providers identified, as specified. Nothing in the regulations prevents a criminal justice agency from disclosing to the public factual information concerning the status of an investigation, the apprehension, arrest, release, or prosecution of an individual, the adjudication of charges, or the correctional status of an individual, which is reasonably contemporaneous with the event to which the information relates. Criminal history records received from the III System or FIRS may only be used for the purpose requested and a current record should be requested when needed for a subsequent authorized use.

*Challenge to Record:* Except when the CHRI is relevant to a pending criminal proceeding, a person or a person’s attorney having satisfactory identification and written authorization from the person may inspect CHRI on the person that is maintained by a criminal justice unit. A person who has inspected the person’s own CHRI may challenge the completeness, contents, accuracy, or dissemination of the information. If a person challenges the CHRI, the person must give written notice of the challenge to CJIS-CR and, if the inspection was not at CJIS-CR, to the criminal justice unit where the person inspected the information. After receiving the notice, CJIS-CR must audit that part of the CHRI that is necessary to determine the validity of the challenge and may require the criminal justice unit that was the source of the challenged CHRI to verify the information. Within 90 days after receiving notice of the challenge, CJIS-CR must notify the person challenging the CHRI in writing of the audit results and its decision. If the challenge is denied as a whole or in part, the required notice must inform the person of the right to appeal the decision. If the challenge is denied as a whole or in part, CJIS-CR must send written notice of this decision to each criminal justice unit that was sent a copy of the challenge.

## **State Expenditures:**

### *Department of State Police*

As noted above, the strict dissemination of CHRI from FBI systems (III/FIRS) is governed by 28 CFR 20.33, which limits sharing via statute to authorized criminal justice agencies, federal agencies, and to authorized noncriminal justice entities for licensing or employment purposes. According to both DSP and DPSCS, records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the agency

receiving the CHRI. In addition, requirements relating to CHRI and the FBI Next Generation Identification Rap Back Program must be specifically stated in each statute in which it is required and must include the agency that receives the information. However, the bill does not make changes to any statute that currently requires CHRC or Rap Back. Thus, the extent to which DSP can serve as a centralized background check division is unclear. However, if DSP is able to establish a centralized background check division, general fund expenditures increase significantly beginning in fiscal 2027.

Based on a preliminary analysis, DSP estimates that costs to establish the division – and fully implement the bill, if it is able to do so – total at least \$25.1 million in fiscal 2027, with costs ranging from \$27.3 million in fiscal 2028 to \$28.0 million in fiscal 2031. CJIS reports that it receives approximately 25,000 fingerprint requests each month and received a total of approximately 345,400 fingerprint requests in 2025. The time needed to complete a background check can range from 30 minutes (for a clean record based only on fingerprints) to more than 30 days (for a check that involves fingerprints, record searches, references, and interviews in multiple states). As a result, the DSP estimate reflects the cost of hiring approximately 260 new employees to process background checks, keep track of updates, Rap Back responses, and disqualifying events reported by units of State and local government, and submit the required reports. DSP’s preliminary estimate also includes approximately \$5.0 million (\$2.5 million in each of fiscal 2027 and 2028) to develop and maintain a database to keep track of the information and updates from various sources.

The Department of Legislative Services cannot independently verify DSP’s estimate at this time but acknowledges that general fund expenditures increase significantly – potentially by more than \$25.0 million annually beginning in fiscal 2027 – if DSP is able to fully implement the bill.

#### *Other State Agencies*

As records obtained from the FBI may be used solely for the purpose requested and cannot be disseminated outside the agency requesting the CHRI, it is unclear if State agencies with background check requirements need to request national CHRI from FBI systems in order to meet FBI requirements and provide to the division all information required to conduct the position-related background investigation in order to meet the bill’s requirements. To the extent that units of State government must provide duplicative information to the FBI and DSP for each required background check, State expenditures (multiple fund types) increase, likely significantly.

**Local Expenditures:** Similar to State agencies, it is unclear if units of local government need to request national CHRI from FBI systems in order to meet FBI requirements *and* provide to the division all information required to conduct the position-related background investigation in order to meet the bill’s requirements. To the extent that units of local

government must provide duplicative information to the FBI and DSP for each required background check, local government expenditures increase, likely significantly.

**Additional Comments:** The Joint Audit and Evaluation Committee has introduced a legislative package intended to fix a series of issues uncovered by recent State audits. Over the last year, the Office of Legislative Audits released multiple reviews of government operations highlighting background check failures for employees working with vulnerable populations, including (1) the failure of the Department of Human Services to conduct comprehensive background checks to prevent individuals with criminal histories from accessing children; (2) the Department of Juvenile Services allowing an individual with a recent assault conviction to work with children at a Maryland facility and not ensuring that background checks were properly completed for contractors providing youth care services; and (3) the Maryland State Department of Education not having sufficient policies and procedures to ensure employees hired by local education agencies were properly screened and required criminal background checks conducted.

---

### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Calvert, Howard, and Prince George's counties; City of Annapolis; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Morgan State University; Maryland Department of Disabilities; Maryland Department of Health; Department of Housing and Community Development; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Labor; Department of State Police; Maryland Department of Transportation; Public Service Commission; Anne Arundel County Public Schools; Frederick County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2026  
caw/lgc

---

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510