



Department of Public Safety and Correctional Services

Office of Government & Legislative Affairs

45 Calvert Street, Suite 7A, Annapolis, MD 21401
(443) 240-8696 • www.dpscs.maryland.gov

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REENTRY SERVICES

JASON DAVIDSON
DIRECTOR

BILL: HOUSE BILL 281

POSITION: SUPPORT WITH AMENDMENT

EXPLANATION: This bill makes clarifying changes in the Family Law Article as it relates to the dissemination of national and State background checks for individuals who care for or supervise children.

COMMENTS:

- The Department of Public Safety and Correctional Services is the repository for the Criminal Justice Information System that houses criminal history record information.
- In 2023, the Department made changes to the Family Law Article to bring the State in compliance with the language required by the Federal Bureau of Investigation (FBI) as it relates to dissemination of national criminal history background checks.
- In 2025, the Federal Bureau of Investigation (FBI) Office of General Council (OGC) Criminal Justice Information Law Unit (CJILU), in coordination with the FBI Compact Office staff, advised the Department that clarifications are required in the Family Law Article to remain in compliance with federal Public Law (Pub. L.) 92-544 for access to FBI criminal history record information.
- In accordance with federal law, only a State governmental agency is authorized to receive a national background check. The changes in this bill provide that national background checks are exclusively provided to designated State agencies, as the FBI has requested.
- If this language change is not made during this legislative session, the FBI will refuse to allow the State to receive national background checks. As a result, the Department's temporary authorization to conduct national fingerprint checks will not be extended.

- The Department is proposing an Amendment to include the names of the designated State departments under §5-551(a) that were inadvertently left off during the bill drafting process. The amendment is a non substantive change, but adds the required clarity.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully requests the Committee vote **FAVORABLE WITH AMENDMENT** on House Bill 281.