

# HOUSE BILL 1408

D4, F1

3lr3158

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By: **Delegates Cullison, Dumais, Gutierrez, Luedtke, Mitchell, Olszewski,  
Rosenberg, Swain, Valderrama, and Zucker**

Introduced and read first time: February 15, 2013

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 26, 2013

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Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2013

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

1 AN ACT concerning

2 **Family Law – Criminal History Records Checks – Student Teachers**

3 FOR the purpose of requiring the Department of Public Safety and Correctional  
4 Services, on written request from a certain student teacher, to submit a certain  
5 printed statement to additional employers if the criminal history records check  
6 was completed during a certain period of time; establishing that a certain  
7 printed statement is valid in any county; and generally relating to criminal  
8 history records checks for student teachers.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 5–564  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume)

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

16 **Article – Family Law**

17 5–564.

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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.



1 (a) (1) (i) The Department shall conduct the criminal history records  
2 check and issue the printed statement provided for under this Part VI of this subtitle.

3 (ii) It shall update an initial criminal history records check for  
4 an employee, employer, or individual identified in § 5–561(c), (d), (e), or (f) of this  
5 subtitle and issue a revised printed statement in accordance with federal law and  
6 regulations on dissemination of FBI identification records.

7 (2) The Department shall adopt regulations requiring:

8 (i) employers to verify periodically the continuing employment  
9 of an employee and the continuing assignment of a volunteer;

10 (ii) State or local agencies that license, register, approve, or  
11 certify any of the facilities identified in § 5–561(b) of this subtitle to verify periodically  
12 the continuing licensure, registration, approval, or certification of a facility or the  
13 continuing assignment of individuals identified in § 5–561(e) of this subtitle; and

14 (iii) child placement agencies that place a child as described in §  
15 5–561(c) of this subtitle to verify periodically the continuing participation or presence  
16 of individuals identified in § 5–561(c) of this subtitle.

17 (3) The employee, employer, volunteer, or other individual identified  
18 in § 5–561 of this subtitle is not responsible for payment of any fee to update criminal  
19 history records checks.

20 (b) (1) The Department shall provide an initial and a revised statement of  
21 the applicant's State criminal record to:

22 (i) the recipients of the printed statement specified in  
23 subsection (c) of this section; and

24 (ii) the State Department of Education if the applicant is an  
25 employee of:

26 1. a child care center that is required to be licensed or to  
27 hold a letter of compliance under Part VII of this subtitle; or

28 2. a family child care home or large family child care  
29 home that is required to be registered under Part V of this subtitle.

30 (2) The Department shall distribute the printed statement in  
31 accordance with federal law and regulations on dissemination of FBI identification  
32 records.

33 (c) (1) Upon completion of the criminal history records check of an  
34 employee, the Department shall submit the printed statement to:

1 (i) the employee's current or prospective employer at the  
2 facility or program;

3 (ii) the employee; and

4 (iii) for an employee of a child care center that is required to be  
5 licensed or to hold a letter of compliance under Part VII of this subtitle or an employee  
6 of a family child care home that is required to be registered under Part V of this  
7 subtitle, the State Department of Education.

8 (2) (I) [Upon] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
9 **THIS PARAGRAPH, UPON** receiving a written request from an employee, the  
10 Department shall submit the printed statement to additional employers, if the  
11 criminal history records check was completed during the prior 180 days.

12 (II) **UPON RECEIVING A WRITTEN REQUEST FROM A**  
13 **STUDENT TEACHER EMPLOYED UNDER § 6-107 OF THE EDUCATION ARTICLE,**  
14 **THE DEPARTMENT SHALL SUBMIT THE PRINTED STATEMENT TO ADDITIONAL**  
15 **EMPLOYERS IF THE CRIMINAL HISTORY RECORDS CHECK WAS COMPLETED**  
16 **DURING THE PRIOR 365 DAYS.**

17 (3) Upon completion of the criminal history records check of an  
18 employer, the Department shall submit the printed statement to:

19 (i) the appropriate State or local agency responsible for the  
20 licensure, registration, approval, or certification of the employer's facility; and

21 (ii) the employer.

22 (4) Upon completion of the criminal history records check of an  
23 individual identified in § 5-561(c), (d), (e), or (f) of this subtitle, the Department shall  
24 submit the printed statement to the appropriate child placement or registering agency.

25 (5) **A PRINTED STATEMENT ISSUED UNDER THIS SECTION IS**  
26 **VALID IN ANY COUNTY IN THE STATE.**

27 (d) Information obtained from the Department under this Part VI of this  
28 subtitle shall be confidential and may be disseminated only to the individual who is  
29 the subject of the criminal history records check and to the participants in the hiring  
30 or approval process.

31 (e) Information obtained from the Department under this Part VI of this  
32 subtitle may not:

1 (1) be used for any purpose other than that for which it was  
2 disseminated; or

3 (2) be redisseminated.

4 (f) Information obtained from the Department under this Part VI of this  
5 subtitle shall be maintained in a manner to insure the security of the information.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.