

## Chapter 417

### (House Bill 1408)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–564

Annotated Code of Maryland

(2012 Replacement Volume)

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

#### **Article – Family Law**

5–564.

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

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

(2) The Department shall adopt regulations requiring:

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the employee; and

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

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

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

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

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

(ii) the employer.

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

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

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

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

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

(2) be redisseminated.

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

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

**Approved by the Governor, May 2, 2013.**