

HOUSE BILL 358

E2

6lr2156
CF SB 629

By: **Delegates Jacobs, Arentz, and Ghrist**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 23, 2016

CHAPTER _____

1 AN ACT concerning

2 **Kent County – Prospective Employees and Volunteers – Criminal History**
3 **Records Check**

4 FOR the purpose of authorizing a certain officer in Kent County to request from the
5 Criminal Justice Information System Central Repository of the Department of Public
6 Safety and Correctional Services a State and national criminal history records check
7 for a prospective county employee or volunteer; requiring that a certain officer
8 submit certain sets of fingerprints and fees to the Central Repository as part of the
9 application for a criminal history records check; requiring the Central Repository to
10 forward to the prospective employee or volunteer and a certain officer the prospective
11 employee's or volunteer's criminal history record information under certain
12 circumstances; establishing that information obtained from the Central Repository
13 under this Act is confidential, may not be disseminated, and may be used only for
14 certain purposes; authorizing the subjects of a criminal history records check under
15 this Act to contest the contents of a certain printed statement issued by the Central
16 Repository; requiring the governing body of Kent County to adopt guidelines to carry
17 out this Act; defining a certain term; and generally relating to criminal history
18 records checks.

19 BY adding to
20 Article – Criminal Procedure
21 Section 10–233.2
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2015 Supplement)

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

3 **Article – Criminal Procedure**

4 **10-233.2.**

5 (A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL
6 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
7 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

8 (B) THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY MAY
9 REQUEST FROM THE CENTRAL REPOSITORY A STATE AND NATIONAL CRIMINAL
10 HISTORY RECORDS CHECK FOR A PROSPECTIVE EMPLOYEE OR VOLUNTEER OF
11 KENT COUNTY.

12 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
13 RECORDS CHECK, THE DIRECTOR OF HUMAN RESOURCES OF KENT COUNTY SHALL
14 SUBMIT TO THE CENTRAL REPOSITORY:

15 (I) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE’S
16 OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE
17 DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL
18 BUREAU OF INVESTIGATION;

19 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS
20 SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

21 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
22 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
23 RECORDS CHECK.

24 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
25 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
26 EMPLOYEE OR VOLUNTEER AND THE DIRECTOR OF HUMAN RESOURCES OF KENT
27 COUNTY THE PROSPECTIVE EMPLOYEE’S OR VOLUNTEER’S CRIMINAL HISTORY
28 RECORD INFORMATION.

29 (3) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
30 UNDER THIS SECTION:

31 (I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

1 **(II) MAY BE USED ONLY FOR A PERSONNEL-RELATED PURPOSE**
2 **CONCERNING A PROSPECTIVE EMPLOYEE OR VOLUNTEER FOR THE COUNTY AS**
3 **AUTHORIZED BY THIS SECTION.**

4 **(4) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER**
5 **THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED**
6 **BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THIS SUBTITLE.**

7 **(D) THE GOVERNING BODY OF KENT COUNTY SHALL ADOPT GUIDELINES TO**
8 **CARRY OUT THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.