

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 358
Judiciary

(Delegate Jacobs, *et al.*)

Judicial Proceedings

Kent County - Prospective Employees and Volunteers - Criminal History
Records Check

This bill authorizes the Director of Human Resources of Kent County to request from the Criminal Justice Information System (CJIS) Central Repository a State and national criminal history records check (CHRC) for a prospective county employee or volunteer. The director must submit two complete sets of the applicant's fingerprints to the Central Repository, along with the required State and national fees. The Central Repository must forward the criminal history record information to the applicant and the director. Information obtained from the Central Repository (1) is confidential; (2) may not be disseminated; and (3) may be used only for a personnel-related purpose as provided by the bill. The subject of a CHRC may contest the contents of the printed statement issued by the Central Repository, as provided under current law. The governing body of Kent County must adopt guidelines to carry out the bill.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. The Central Repository can implement the bill with existing budgeted resources. Any costs incurred to conduct CHRCs are offset by CHRC fees.

Local Effect: Minimal increase in local expenditures for Kent County to pay for CHRCs. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Similar statutory authority exists for Anne Arundel, Baltimore, Caroline, Carroll, Dorchester, Howard, Prince George's, Talbot, Washington, and Wicomico counties. Similar statutory authority relating to taxi driver applicants exists in Montgomery County, Ocean City, and the City of Frederick.

Current law establishes various provisions relating to CJIS and CHRCs. Among other things, current law establishes provisions relating to (1) the reporting of data to the Central Repository; (2) reportable events; (3) fingerprinting; (4) procedures for sharing criminal history record information; (5) the dissemination and inspection of such information; (6) the challenge of the completeness, contents, accuracy, or dissemination of the information; and (7) the correction of such information.

Each individual subject to a CHRC is required to pay \$52.75 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$14.75 FBI fee, an \$18 fee to the CJIS Central Repository within the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland criminal history record information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification.

Additional Information: The Central Repository advises that due to advancements in technology, only one complete set of fingerprints is necessary to process a CHRC.

Additional Information

Prior Introductions: SB 912 of 2015 passed the Senate and was referred to the House Rules and Executive Nominations Committee, but no further action was taken on the bill.

Cross File: None.

Information Source(s): Kent County, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2016
md/lgc

Analysis by: Shirleen M. E. Pilgrim

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