

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 728

(Carroll County Delegation)

Environment and Transportation

Rules

Carroll County – Prospective Employees and Volunteers – Criminal History
 Records Check

This bill repeals authorization for the County Commissioners of Carroll County to request from the Criminal Justice Information System (CJIS) Central Repository a State and national criminal history records check (CHRC) for a specified *current or prospective* county employee. Instead, the bill authorizes the Department of Human Resources of Carroll County to request from CJIS Central Repository a State and national CHRC for a *prospective county employee or volunteer* who will be assigned to a position that involves specified duties. The department 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 department. 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 Carroll County must adopt guidelines to carry out the bill. **The bill takes effect July 1, 2022.**

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 Carroll County to pay for CHRCs. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: The County Commissioners of Carroll County may request a State and national CHRC from the Central Repository for:

- a current or prospective employee of Carroll County who is or will be assigned to a position that involves (1) inspections; (2) approval or denial of a permit, license, or other grant of authority; (3) work in the offices of the County Commissioners, sheriff, State's Attorney, circuit court, or county attorney; or (4) collecting or handling money; or
- a current or prospective employee of a person that has a contract with Carroll County if the contract involves work in a place that requires security of personnel or files, including the county courthouse, the local correctional facility, the State's Attorney's office, a county commissioner's office, and the county attorney's office.

The Comptroller of Carroll County must pay the required fees for a CHRC. If the CHRC request requires that information be obtained from the Federal Bureau of Investigation (FBI), the person who is the subject of the request must submit a complete and legible set of the person's fingerprints on standard fingerprint cards.

These provisions do not apply to a person who provides services or performs duties voluntarily and without compensation for the government of Carroll County.

Each individual subject to a CHRC is required to pay \$51.24 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$13.25 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.

Similar statutory authority exists for Anne Arundel, Baltimore, Caroline, Dorchester, Howard, Kent, Prince George's, Talbot, Washington, and Wicomico counties.

Additional Information: The Central Repository advises that due to advancements in technology, *only one complete set of fingerprints is necessary to process a CHRC*, and the fingerprints must be taken in a format approved by the director of the Central Repository and the director of the FBI. In addition, statutory language is necessary for the Central Repository to provide any necessary updates to criminal history after the initial CHRC.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 371 (Carroll County Senators) - Judicial Proceedings.

Information Source(s): Carroll County; Department of Human Services; Department of Public Safety and Correctional Services; Department of Legislative Services

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