

HOUSE BILL 1300

E4

3lr0140

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Rules suspended

Introduced and read first time: March 9, 2023

Rules suspended

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Child Care – Criminal Background Investigations**

3 FOR the purpose of altering provisions relating to criminal background investigations for
4 certain individuals who care for or supervise children; requiring certain facilities to
5 apply to the Central Repository for a national and State criminal history records
6 check for each employee, employer, individual, or volunteer; and generally relating
7 to child care and criminal background investigations.

8 BY repealing and reenacting, with amendments,

9 Article – Family Law

10 Section 5–550 through 5–554, 5–554.1, and 5–559

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2022 Supplement)

13 BY repealing

14 Article – Family Law

15 Section 5–555

16 Annotated Code of Maryland

17 (2019 Replacement Volume and 2022 Supplement)

18 BY adding to

19 Article – Family Law

20 Section 5–555

21 Annotated Code of Maryland

22 (2019 Replacement Volume and 2022 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Family Law

1
2 5–550.

3 (a) In this Part V of this subtitle the following words have the meanings indicated.

4 (B) “AUTHORIZED AGENCY” MEANS A STATE, COUNTY, OR MUNICIPAL
5 GOVERNMENT AGENCY.

6 (C) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE
7 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT.

8 [(b)] (D) “Conviction” means a plea or verdict of guilty or a plea of nolo
9 contendere.

10 (E) “CRIMINAL HISTORY RECORDS CHECK” MEANS A RECORDS CHECK OF
11 THE CRIMINAL HISTORY RECORD INFORMATION MAINTAINED BY THE CENTRAL
12 REPOSITORY OR THE FEDERAL BUREAU OF INVESTIGATION.

13 [(c)] (F) “Department” means the Department of Public Safety and Correctional
14 Services.

15 [(d)] (G) (1) “Employee” means a person that for compensation is employed to
16 work in a facility identified in § 5–551 of this subtitle and who:

17 (i) cares for or supervises children in the facility; or

18 (ii) has access to children who are cared for or supervised in the
19 facility.

20 (2) “Employee” includes [a person who]:

21 (i) **A PERSON WHO:**

22 1. participates in a pool described in subsection [(e)(2)]
23 **(H)(2)** of this section;

24 [(ii)] 2. for compensation will be employed on a substitute or
25 temporary basis to work in a facility identified in [§ 5–551(b)(1) or (2)] **§ 5–551(A)(1) OR**
26 **(2)** of this subtitle; and

27 [(iii)] 3. will care for or supervise children in the facility or will
28 have access to children who are cared for or supervised in the facility; **AND**

1 **(II) A CONTRACTOR OR SUBCONTRACTOR WHO WILL HAVE**
2 **DIRECT, UNSUPERVISED, AND UNCONTROLLED ACCESS TO CHILDREN IN A FACILITY**
3 **IDENTIFIED IN § 5-551(A) OF THIS SUBTITLE.**

4 (3) “Employee” does not include any person employed to work for
5 compensation by the Department of Juvenile Services.

6 **[(e)] (H)** (1) “Employer” means an owner, operator, proprietor, or manager of
7 a facility identified in § 5-551 of this subtitle who has frequent contact with children who
8 are cared for or supervised in the facility.

9 (2) For purposes of **[[§§ 5-551(g), 5-554(a)(2)(i) and (c)(1)(i) and (2)] §§**
10 **5-551(F), 5-554(1), 5-555(B) AND (E)**, and 5-557 of this subtitle, “employer” includes a
11 child care resource and referral center, an association of registered family child care
12 providers, and an association of licensed child care centers to the extent that the center or
13 association establishes and maintains a pool of individuals who are qualified to work as
14 substitute or temporary employees in a facility identified in **[[§ 5-551(b)(1) or (2)] §**
15 **5-551(A)(1) OR (2)** of this subtitle.

16 (3) “Employer” does not include a State or local agency responsible for the
17 temporary or permanent placement of children in a facility identified in § 5-551 of this
18 subtitle.

19 **(I) “LOCAL DEPARTMENT” HAS THE MEANING STATED IN § 1-101(H) OF**
20 **THIS ARTICLE.**

21 **[(f)] (J)** “Private entity” means a nongovernmental agency, organization, or
22 employer.

23 **[(g)] (K)** “Secretary” means the Secretary of Public Safety and Correctional
24 Services.

25 5-551.

26 **[(a)]** Notwithstanding any provision of law to the contrary, an employee and
27 employer in a facility identified in subsection (b) of this section and individuals identified
28 in subsection (c) of this section shall apply for a national and State criminal history records
29 check at any designated law enforcement office in this State or other location approved by
30 the Department.]

31 **[(b)] (A)** The following facilities shall require employees and employers to obtain
32 a criminal history records check under this Part V of this subtitle:

33 (1) a child care center required to be licensed under Title 9.5, Subtitle 4 of
34 the Education Article;

1 (2) a family child care home or large family child care home required to be
2 registered under Title 9.5, Subtitle 3 of the Education Article;

3 (3) a child care home required to be licensed under this subtitle or under
4 Title 9 of the Human Services Article;

5 (4) a child care institution required to be licensed under this subtitle or
6 under Title 9 of the Human Services Article;

7 (5) a juvenile detention, correction, or treatment facility provided for in
8 Title 9 of the Human Services Article;

9 (6) a public school as defined in Title 1 of the Education Article;

10 (7) a private or nonpublic school required to report annually to the State
11 Board of Education under Title 2 of the Education Article;

12 (8) a foster care family home or group facility as defined under this subtitle;

13 (9) a recreation center or recreation program operated by the State, a local
14 government, or a private entity primarily serving minors;

15 (10) a day or residential camp, as defined in Title 10, Subtitle 16 of the Code
16 of Maryland Regulations, primarily serving minors; or

17 (11) a home health agency or residential service agency licensed by the
18 Maryland Department of Health and authorized under Title 19 of the Health – General
19 Article to provide home– or community–based health services for minors.

20 [(b–1) A contractor or subcontractor shall require an employee that will have direct,
21 unsupervised, and uncontrolled access to children in a facility listed in subsection (b) of this
22 section to obtain a criminal history records check under this Part V of this subtitle.]

23 [(c)] (B) The following individuals shall obtain a criminal history records check
24 under this Part V of this subtitle:

25 (1) an individual who is seeking to adopt a child through a child placement
26 agency;

27 (2) an individual who is seeking to become a guardian through a local
28 department;

29 (3) an individual whom the juvenile court appoints as a guardian of a child;

30 (4) an adult relative with whom a child, committed to a local department,
31 is placed by the local department;

1 (5) any adult known by a local department or the State Department of
2 Education to be residing in:

3 (i) a family child care home or large family child care home required
4 to be registered under this title;

5 (ii) a home where informal child care, as defined in child care subsidy
6 regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided
7 or will be provided to a child who does not reside there;

8 (iii) a home of an adult relative of a child with whom the child,
9 committed to a local department, is placed by the local department;

10 (iv) a foster care home or child care home required to be approved
11 under this title;

12 (v) a home of an individual seeking to adopt a child through a child
13 placement agency; or

14 (vi) a home of an individual seeking to become a guardian through a
15 local department;

16 (6) an individual who agrees to provide, or to continue providing, informal
17 child care, as defined in child care subsidy regulations, adopted under Title 13A of the Code
18 of Maryland Regulations; and

19 (7) if requested by a local department:

20 (i) a parent or guardian of a child who is committed to the local
21 department and is or has been placed in an out-of-home placement within the past year;
22 and

23 (ii) any adult known by the local department to be residing in the
24 home of the parent or guardian.

25 **[(d)] (C)** An employer at a facility under subsection **[(b)] (A)** of this section may
26 require a volunteer at the facility to obtain a criminal history records check under this Part
27 V of this subtitle.

28 **[(e)] (D)** A local department may require a volunteer of that department who
29 works with children to obtain a criminal history records check under this Part V of this
30 subtitle.

31 **[(f)] (E)** An employer at a facility not identified in subsection **[(b)] (A)** of this
32 section who employs individuals to work with children may require employees, including
33 volunteers, to obtain a criminal history records check under this Part V of this subtitle.

1 [(g)] (F) An employer, as defined in [§ 5-550(e)(2)] **§ 5-550(H)(2)** of this
 2 subtitle, shall require an employee, as defined in [§ 5-550(d)(2)] **§ 5-550(G)(2)** of this
 3 subtitle, to obtain a criminal history records check under this Part V of this subtitle.

4 [(h)] (G) (1) Except as provided in paragraph (2) of this subsection, a person
 5 who is required to have a criminal history records check under this Part V of this subtitle
 6 shall pay for:

7 (i) the mandatory processing fee required by the Federal Bureau of
 8 Investigation for a national criminal history records check;

9 (ii) reasonable administrative costs to the Department, not to exceed
 10 10% of the processing fee; and

11 (iii) the fee authorized under § 10-221(b)(7) of the Criminal
 12 Procedure Article for access to Maryland criminal history records.

13 (2) A volunteer under subsection [(d), (e), or (f)] **(C), (D), OR (E)** of this
 14 section who volunteers for a program that is registered with the Maryland Mentoring
 15 Partnership is [not required to pay for costs or fees under paragraph (1)(ii) and (iii) of this
 16 subsection] **REQUIRED TO PAY ONLY THE MANDATORY PROCESSING FEE REQUIRED**
 17 **BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
 18 **RECORDS CHECK.**

19 [(i)] (H) (1) An employer or other party may pay for the costs borne by the
 20 employee or other individual under subsection [(h)] (G) of this section.

21 (2) The local department shall reimburse:

22 (i) an adult residing in a foster care home for the costs borne by the
 23 individual under subsection [(h)] (G) of this section; and

24 (ii) an individual described in subsection [(c)(7)(ii)] **(B)(7)(II)** of this
 25 section for the costs borne by the individual under subsection [(h)] (G) of this section.

26 5-552.

27 (a) [(1)] On or before the 1st day of actual employment **OF AN EMPLOYEE**, [an
 28 employee] **A FACILITY IDENTIFIED IN § 5-551 OF THIS SUBTITLE** shall apply to the
 29 Department for a [printed statement] **NATIONAL AND STATE CRIMINAL HISTORY**
 30 **RECORDS CHECK FOR AN EMPLOYEE.**

31 [(2)] (B) On or before the 1st day of actual operation of a facility identified
 32 in § 5-551 of this subtitle, an employer shall apply to the Department for a [printed
 33 statement] **NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK.**

1 [(3) (i) (C) Before an individual may be approved to provide or to
2 continue providing informal child care, as defined in child care subsidy regulations adopted
3 under Title 13A of the Code of Maryland Regulations, the individual shall apply to the
4 Department for a [printed statement] **NATIONAL AND STATE CRIMINAL HISTORY**
5 **RECORDS CHECK.**

6 [(ii) An individual who was approved before January 1, 2014, to
7 provide informal child care and who intends to continue providing informal child care on or
8 after that date has until June 30, 2014, to apply to the Department for a printed statement.]

9 [(4) (D) Within 5 days after a local department places a child who is
10 committed to the local department with an adult relative, an individual identified in [§
11 5-551(c) or (e)] **§ 5-551(B) OR (D)** of this subtitle shall apply to the Department for a
12 [printed statement] **NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK.**

13 [(b) As part of the application for a criminal history records check, the employee,
14 employer, and individual identified in § 5-551(c), (d), (e), or (f) of this subtitle shall submit:

15 (1) except as provided in subsection (c) of this section, a complete set of
16 legible fingerprints at any designated State or local law enforcement office in the State or
17 other location approved by the Department;

18 (2) the disclosure statement required under § 5-553 of this subtitle; and

19 (3) payment for the costs of the criminal history records check.

20 (c) The requirement that a complete set of legible fingerprints be submitted as
21 part of the application for a criminal history records check may be waived by the
22 Department if:

23 (1) the application is submitted by a person who has attempted to have a
24 complete set of fingerprints taken on at least 2 occasions;

25 (2) the taking of a complete set of legible fingerprints is not possible
26 because of a physical or medical condition of the person's fingers or hands;

27 (3) the person submits documentation satisfactory to the Department of
28 the requirements of this subsection; and

29 (4) the person submits the other information required for a criminal history
30 records check.]

31 5-553.

1 [As part of the application process for a criminal history records check, the] **THE**
2 employee, employer, and individual identified in [§ 5-551(c), (d), (e), or (f)] **§ 5-551(B), (C),**
3 **(D), OR (E)** of this subtitle shall complete and sign a sworn statement or affirmation
4 disclosing the existence of a criminal conviction, probation before judgment disposition, not
5 criminally responsible disposition, or pending criminal charges without a final disposition.

6 5-554.

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

9 (ii) It shall update an initial criminal history records check for an
10 employee, employer, or individual identified in § 5-551(c), (d), (e), or (f) of this subtitle and
11 issue a revised printed statement in accordance with federal law and regulations on
12 dissemination of FBI identification records.

13 (2) The Department shall adopt regulations requiring:

14 [(i) (1) employers to verify periodically the continuing
15 employment of an employee and the continuing assignment of a volunteer;

16 [(ii) (2) State or local agencies that license, register, approve, or
17 certify any of the facilities identified in [§ 5-551(b)] **§ 5-551(A)** of this subtitle to verify
18 periodically the continuing licensure, registration, approval, or certification of a facility or
19 the continuing assignment of individuals identified in [§ 5-551(e)] **§ 5-551(D)** of this
20 subtitle; and

21 [(iii) (3) child placement agencies that place a child as described in
22 [§ 5-551(c)] **§ 5-551(B)** of this subtitle to verify periodically the continuing participation
23 or presence of individuals identified in [§ 5-551(e)] **§ 5-551(B)** of this subtitle.

24 [(3) The employee, employer, volunteer, or other individual identified in §
25 5-551 of this subtitle is not responsible for payment of any fee to update criminal history
26 records checks.

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

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

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

32 1. an employee of, or an adult resident in, a child care center
33 that is required to be licensed or to hold a letter of compliance under Title 9.5, Subtitle 4 of
34 the Education Article;

1 2. an employee of, or an adult resident in, a family child care
2 home or large family child care home that is required to be registered under Title 9.5,
3 Subtitle 3 of the Education Article; or

4 3. an individual who provides or agrees to provide informal
5 child care or an adult who resides in a home where informal child care is being provided or
6 will be provided to a child who does not reside there.

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

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

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

13 (ii) the employee; and

14 (iii) for an employee of a child care center that is required to be
15 licensed or to hold a letter of compliance under Title 9.5, Subtitle 4 of the Education Article
16 or an employee of a family child care home that is required to be registered under Title 9.5,
17 Subtitle 3 of the Education Article, the State Department of Education.

18 (2) (i) Except as provided in subparagraph (ii) of this paragraph, upon
19 receiving a written request from an employee, the Department shall submit the printed
20 statement to additional employers, if the criminal history records check was completed
21 during the prior 180 days.

22 (ii) Upon receiving a written request from a student teacher
23 employed under § 6–107 of the Education Article, the Department shall submit the printed
24 statement to additional employers if the criminal history records check was completed
25 during the prior 365 days.

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

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

30 (ii) the employer.

31 (4) Upon completion of the criminal history records check of an individual
32 identified in § 5–551(c), (d), (e), or (f) of this subtitle, the Department shall submit the
33 printed statement to the appropriate child placement or registering agency.

1 (5) A printed statement issued under this section is valid in any county in
2 the State.

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

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

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

10 (2) be redisseminated.

11 (f) Information obtained from the Department under this Part V of this subtitle
12 shall be maintained in a manner to ensure the security of the information.]

13 5-554.1.

14 The State Department of Education shall conduct a cross-reference check, including
15 cross-referencing the individual and the individual's address, with the central registry of
16 registrants transmitted weekly by the Department under § 11-713 of the Criminal
17 Procedure Article, of:

18 (1) an employee, employer, or individual identified in [§ 5-551(b)(1), (b)(2),
19 or (c)(5)(i)] **§ 5-551(A)(1) OR (2) OR (B)(5)(I)** of this subtitle; and

20 (2) an individual who provides or agrees to provide informal child care, as
21 defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland
22 Regulations.

23 [5-555.

24 An individual may contest the finding of a criminal conviction, a probation before
25 judgment disposition, a not criminally responsible disposition, or pending charge reported
26 in a printed statement in accordance with §§ 10-223 through 10-228 of the Criminal
27 Procedure Article.]

28 **5-555.**

29 **(A) THE DEPARTMENT SHALL CONDUCT THE CRIMINAL HISTORY RECORDS**
30 **CHECKS REQUIRED UNDER THIS PART V OF THIS SUBTITLE.**

31 **(B) (1) THE FACILITIES IDENTIFIED IN § 5-551(A) OF THIS SUBTITLE**
32 **SHALL APPLY TO THE CENTRAL REPOSITORY FOR A NATIONAL AND STATE**

1 CRIMINAL HISTORY RECORDS CHECK FOR EACH EMPLOYEE, EMPLOYER,
2 INDIVIDUAL, OR VOLUNTEER.

3 (2) AS PART OF AN APPLICATION FOR A CRIMINAL HISTORY RECORDS
4 CHECK, A FACILITY IDENTIFIED IN § 5-551(A) OF THIS SUBTITLE SHALL SUBMIT TO
5 THE CENTRAL REPOSITORY:

6 (I) A LEGIBLE SET OF THE EMPLOYEE'S, EMPLOYER'S,
7 INDIVIDUAL'S, OR VOLUNTEER'S FINGERPRINTS TAKEN IN A FORMAT APPROVED BY
8 THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE
9 FEDERAL BUREAU OF INVESTIGATION;

10 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
11 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY
12 RECORDS; AND

13 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
14 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
15 RECORDS CHECK.

16 (3) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE
17 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD
18 THE EMPLOYEE'S, EMPLOYER'S, INDIVIDUAL'S, OR VOLUNTEER'S CRIMINAL
19 HISTORY RECORD INFORMATION TO:

20 (I) THE EMPLOYEE, EMPLOYER, INDIVIDUAL, OR VOLUNTEER;
21 AND

22 (II) THE AUTHORIZED AGENCIES REQUIRED TO LICENSE,
23 REGISTER, APPROVE, OR CERTIFY THE FACILITY IDENTIFIED IN § 5-551(A) OF THIS
24 SUBTITLE.

25 (C) THE DEPARTMENT SHALL UPDATE AN INITIAL CRIMINAL HISTORY
26 RECORDS CHECK FOR AN EMPLOYEE, EMPLOYER, OR INDIVIDUAL IDENTIFIED IN §
27 5-551(B), (C), (D), OR (E) OF THIS SUBTITLE AND ISSUE AN UPDATED RECORDS
28 CHECK IN ACCORDANCE WITH THIS SUBSECTION.

29 (D) THE DEPARTMENT SHALL PROVIDE AN APPLICANT'S INITIAL AND
30 UPDATED STATE CRIMINAL HISTORY RECORD TO:

31 (1) THE RECIPIENTS OF THE STATE CRIMINAL HISTORY RECORD
32 SPECIFIED IN SUBSECTION (E) OF THIS SECTION; AND

1 **(2) THE STATE DEPARTMENT OF EDUCATION IF THE APPLICANT IS:**

2 **(I) AN EMPLOYEE OF OR AN ADULT RESIDENT IN A CHILD CARE**
3 **CENTER THAT IS REQUIRED TO BE LICENSED OR TO HOLD A LETTER OF COMPLIANCE**
4 **UNDER TITLE 9.5, SUBTITLE 4 OF THE EDUCATION ARTICLE;**

5 **(II) AN EMPLOYEE OF OR AN ADULT RESIDENT IN A FAMILY**
6 **CHILD CARE HOME OR LARGE FAMILY CHILD CARE HOME THAT IS REQUIRED TO BE**
7 **REGISTERED UNDER TITLE 9.5, SUBTITLE 3 OF THE EDUCATION ARTICLE; OR**

8 **(III) AN INDIVIDUAL WHO PROVIDES OR AGREES TO PROVIDE**
9 **INFORMAL CHILD CARE OR AN ADULT WHO RESIDES IN A HOME WHERE INFORMAL**
10 **CHILD CARE IS BEING PROVIDED OR WILL BE PROVIDED TO A CHILD WHO DOES NOT**
11 **RESIDE THERE.**

12 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
13 **ON RECEIVING A WRITTEN REQUEST FROM AN EMPLOYEE, THE DEPARTMENT SHALL**
14 **DISSEMINATE THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK TO**
15 **AUTHORIZED AGENCIES IF THE CRIMINAL HISTORY RECORDS CHECK WAS**
16 **COMPLETED DURING THE PRIOR 180 DAYS.**

17 **(2) ON RECEIVING A WRITTEN REQUEST FROM A STUDENT TEACHER**
18 **EMPLOYED UNDER § 6-107 OF THE EDUCATION ARTICLE, THE DEPARTMENT SHALL**
19 **DISSEMINATE THE NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK TO**
20 **AUTHORIZED AGENCIES IF THE CRIMINAL HISTORY RECORDS CHECK WAS**
21 **COMPLETED DURING THE PRIOR 365 DAYS.**

22 **(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
23 **THIS SUBTITLE:**

24 **(1) IS CONFIDENTIAL;**

25 **(2) MAY NOT BE DISSEMINATED; AND**

26 **(3) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS**
27 **SUBTITLE.**

28 **(G) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
29 **SUBTITLE MAY CONTEST THE CONTENTS OF THE NATIONAL AND STATE CRIMINAL**
30 **HISTORY RECORDS CHECK ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN**
31 **§ 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

1 (a) In this section, “emergency out-of-home placement” means an out-of-home
2 placement in which a local department places a child in the home of a private individual,
3 including a neighbor, friend, or relative, as a result of a sudden unavailability of the child’s
4 primary caretaker.

5 (b) (1) If a child is placed in an emergency out-of-home placement, a local
6 department may request that a designated State or local law enforcement agency in the
7 State [or other location approved by the Department] perform a federal name-based check
8 on any individual described in [§ 5-551(c)(4), (5)(iii), and (7)(ii)] **§ 5-551(B)(4), (5)(III),**
9 **AND (7)(II)** of this subtitle.

10 (2) The designated agency described in paragraph (1) of this subsection
11 may provide the results of the name-based check to the local department.

12 (3) Within 15 calendar days after the local department receives the results
13 of the name-based check, the local department shall submit a complete set of fingerprints
14 to the Department for each individual described in paragraph (1) of this subsection on
15 whom a name-based check was performed.

16 (4) Within 15 calendar days [after the date on which the name-based check
17 was performed] **AFTER THE NAME-BASED CHECK**, the Department shall perform a
18 criminal history records check, in accordance with [§ 5-554] **§ 5-555** of this subtitle.

19 (c) A child shall be removed immediately from an emergency out-of-home
20 placement if any individual required to submit to a name-based check [fails to comply with
21 this section] **REFUSES TO SUBMIT THE FOLLOW-UP FINGERPRINTS**.

22 (d) When the placement of a child in a home is denied as a result of a name-based
23 criminal history records check of an individual and the individual contests that denial, the
24 individual shall submit to the local department:

25 (1) a complete set of fingerprints; and

26 (2) written permission allowing the local department to forward the
27 fingerprints to the Department for submission to the Federal Bureau of Investigation.

28 (e) An individual who is required to submit to a criminal history records check
29 under this section shall pay the fees required under [§ 5-551(h)] **§ 5-551(G)** of this
30 subtitle.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
32 Annotated Code of Maryland, in consultation with and subject to the approval of the
33 Department of Legislative Services, shall correct, with no further action required by the
34 General Assembly, cross-references and terminology rendered incorrect by this Act. The
35 publisher shall adequately describe any correction that is made in an editor’s note following
36 the section affected.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2023.