

SENATE BILL 255

A2

2lr1742
CF HB 142

By: **Senator Edwards**

Introduced and read first time: January 25, 2012

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – ~~Follow-Up~~ Criminal History Records**
3 **Checks**

4 FOR the purpose of requiring the Board of License Commissioners for Garrett County
5 to apply to the Criminal Justice Information System Central Repository of the
6 Department of Public Safety and Correctional Services for a certain criminal
7 history records check for each alcoholic beverages license applicant; requiring
8 the Board to submit certain fingerprints and certain fees to the Central
9 Repository under certain circumstances; requiring the Board to establish a fee
10 to cover certain costs; providing that certain information obtained from the
11 Central Repository is confidential, may not be disseminated, and may be used
12 only for a certain purpose; authorizing the subject of a criminal history records
13 check to contest the contents of a certain printed statement as provided under
14 certain provisions of law; requiring the ~~Criminal Justice Information System~~
15 Central Repository (~~CJIS~~) to provide the Board of ~~License Commissioners for~~
16 ~~Garrett County~~ with a revised printed criminal record statement of a ~~license~~
17 ~~applicant~~ or license holder if information is reported to ~~CJIS~~ the Central
18 Repository after the initial criminal history records check is completed;
19 requiring ~~CJIS~~ the Central Repository to stop providing the Board with revised
20 printed statements under certain circumstances; defining a certain term;
21 making ~~a certain~~ stylistic ~~change~~ changes; and generally relating to alcoholic
22 beverages in Garrett County.

23 BY repealing and reenacting, with amendments,
24 Article 2B – Alcoholic Beverages

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 10–103(b)(13)(x)
 2 Annotated Code of Maryland
 3 (2011 Replacement Volume)

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

6 **Article 2B – Alcoholic Beverages**

7 10–103.

8 (b) Except as otherwise provided in this subtitle, every new application for a
 9 license shall be made to the Board of License Commissioners on forms prescribed by
 10 the Comptroller and sworn to by the applicant. Every application for a license shall
 11 contain the following:

12 (13) (x) ~~1. IN THIS SUBPARAGRAPH, “CJIS” MEANS THE~~
 13 ~~CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE~~
 14 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

15 ~~{1.} 2.~~ This subparagraph applies only in Garrett
 16 County.

17 ~~{2.} 3.~~ In this subparagraph, “applicant” includes:

18 A. An applicant for renewal of an alcoholic beverages
 19 license; and

20 B. A shareholder, member, partner, owner, or other
 21 person with an ownership interest in a business entity that applies for an alcoholic
 22 beverages license.

23 3. IN THIS SUBPARAGRAPH, “CENTRAL
 24 REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM
 25 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
 26 CORRECTIONAL SERVICES.

27 ~~{3.} 4.~~ The Board of License Commissioners ~~may~~
 28 SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL
 29 CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES
 30 LICENSE APPLICANT.

31 ~~A. Obtain criminal records of an alcoholic beverages~~
 32 ~~license applicant from the [Criminal Justice Information System Central Repository of~~
 33 ~~the Department of Public Safety and Correctional Services] CJIS and from other law~~
 34 ~~enforcement agencies;~~

1 ~~B. Require an applicant to be fingerprinted;~~

2 ~~C. Forward the fingerprints through the [Central~~
3 ~~Repository] CJIS for transmittal to the Federal Bureau of Investigation for a national~~
4 ~~criminal history records check; and~~

5 ~~D. Set a fee to cover the cost of obtaining the fingerprints~~
6 ~~and State and national criminal records.~~

7 ~~[4.] 5. Criminal records shall be kept in a sealed~~
8 ~~envelope accessible only by Board members and their clerks, and the criminal records~~
9 ~~shall be destroyed on completion of their necessary use.~~

10 **5. AS PART OF THE APPLICATION FOR A CRIMINAL**
11 **HISTORY RECORDS CHECK, THE BOARD OF LICENSE COMMISSIONERS SHALL**
12 **SUBMIT TO THE CENTRAL REPOSITORY;**

13 **A. TWO COMPLETE SETS OF THE APPLICANT'S**
14 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
15 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
16 **INVESTIGATION;**

17 **B. THE FEE AUTHORIZED IN § 10-221(B)(7) OF THE**
18 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL**
19 **HISTORY RECORDS; AND**

20 **C. THE MANDATORY PROCESSING FEE REQUIRED BY**
21 **THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL**
22 **HISTORY RECORDS CHECK.**

23 **6. IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF**
24 **THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL**
25 **FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS**
26 **THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.**

27 **7. THE BOARD SHALL ESTABLISH A FEE TO COVER**
28 **THE COST OF OBTAINING:**

29 **A. THE APPLICANT'S FINGERPRINTS; AND**

30 **B. THE STATE AND NATIONAL CRIMINAL HISTORY**
31 **RECORDS CHECKS.**

1 **8. INFORMATION OBTAINED FROM THE CENTRAL**
 2 **REPOSITORY UNDER THIS SUBPARAGRAPH:**

3 **A. IS CONFIDENTIAL AND MAY NOT BE**
 4 **REDISSEMINATED;**

5 **B. MAY BE USED ONLY FOR LICENSING PURPOSES;**

6 **C. SHALL BE KEPT IN A SEALED ENVELOPE**
 7 **AVAILABLE ONLY TO THE MEMBERS OF THE BOARD OF LICENSE**
 8 **COMMISSIONERS AND THEIR CLERKS; AND**

9 **D. SHALL BE DESTROYED ON COMPLETION OF THEIR**
 10 **PERMITTED USE.**

11 **9. THE SUBJECT OF A CRIMINAL HISTORY RECORDS**
 12 **CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE**
 13 **PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED**
 14 **UNDER § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

15 **6- 10. WHEN CRIMINAL HISTORY RECORD INFORMATION**
 16 **OF ~~AN APPLICANT OR~~ A LICENSE HOLDER IS REPORTED TO ~~CJIS~~ THE CENTRAL**
 17 **REPOSITORY AFTER THE INITIAL CRIMINAL HISTORY RECORDS CHECK IS**
 18 **COMPLETED, ~~CJIS~~ THE CENTRAL REPOSITORY SHALL PROVIDE THE BOARD OF**
 19 **LICENSE COMMISSIONERS WITH A REVISED PRINTED STATEMENT OF THE**
 20 **CRIMINAL RECORD OF THE ~~APPLICANT OR~~ LICENSE HOLDER.**

21 **7- 11. IF THE BOARD OF LICENSE COMMISSIONERS**
 22 **INFORMS ~~CJIS~~ THE CENTRAL REPOSITORY THAT AN INDIVIDUAL IS NO**
 23 **LONGER ~~AN APPLICANT OR~~ A LICENSE HOLDER, ~~CJIS~~ THE CENTRAL**
 24 **REPOSITORY SHALL STOP PROVIDING THE BOARD ~~OF LICENSE~~**
 25 **COMMISSIONERS WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL**
 26 **RECORD OF THE INDIVIDUAL.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 July 1, 2012.