

SENATE BILL 374

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2lr1965
CF 2lr2084

By: **Senator Mathias**

Introduced and read first time: January 30, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Town of Ocean City – Criminal History Records Check – Taxi Driver**
3 **Applicants**

4 FOR the purpose of authorizing the Ocean City Police Department to request State
5 and national criminal history records checks for taxi driver applicants in Ocean
6 City from the Criminal Justice Information System Central Repository;
7 requiring the Police Department to submit sets of fingerprints of taxi driver
8 applicants and pay certain fees to the Central Repository as part of the
9 application for a records check; requiring the Central Repository to forward
10 certain information to certain persons; specifying that certain information be
11 confidential, not be disseminated, and be used only for a certain purpose;
12 authorizing the subject of a criminal history records check to contest the
13 contents of a certain statement in a certain manner; and generally relating to
14 criminal history records checks for taxi driver applicants in Ocean City.

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Procedure
17 Section 10–231
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2011 Supplement)

20 BY adding to
21 Article – Criminal Procedure
22 Section 10–234.1 to be under the amended part “Part IV. Criminal History
23 Records Check Requests – Counties and Municipalities”
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2011 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Criminal Procedure**

2 **Part IV. Criminal History Records Check Requests – Counties AND**
3 **MUNICIPALITIES.**

4 10–231.

5 (a) In this section, “Central Repository” means the Criminal Justice
6 Information System Central Repository of the Department of Public Safety and
7 Correctional Services.

8 (b) The Personnel Officer of Anne Arundel County may request from the
9 Central Repository a State and national criminal history records check for a
10 prospective or current employee or volunteer of Anne Arundel County.

11 (c) (1) As part of the application for a criminal history records check, the
12 Personnel Officer of Anne Arundel County shall submit to the Central Repository:

13 (i) two complete sets of the prospective or current employee’s or
14 volunteer’s legible fingerprints taken on forms approved by the Director of the Central
15 Repository and the Director of the Federal Bureau of Investigation;

16 (ii) the fee authorized under § 10–221(b)(7) of this subtitle for
17 access to Maryland criminal history records; and

18 (iii) the mandatory processing fee required by the Federal
19 Bureau of Investigation for a national criminal history records check.

20 (2) In accordance with §§ 10–201 through 10–250 of this subtitle, the
21 Central Repository shall forward to the prospective or current employee or volunteer
22 and the Personnel Officer of Anne Arundel County the prospective or current
23 employee’s or volunteer’s criminal history record information.

24 (3) Information obtained from the Central Repository under this
25 section:

26 (i) is confidential and may not be disseminated; and

27 (ii) may be used only for a personnel–related purpose
28 concerning a prospective or current employee or volunteer of the county as authorized
29 by this section.

30 (4) The subject of a criminal history records check under this section
31 may contest the contents of the printed statement issued by the Central Repository as
32 provided in § 10–223 of this subtitle.

1 (d) The Anne Arundel County Council shall adopt guidelines to carry out this
2 section.

3 **10-234.1.**

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

7 (B) THE OCEAN CITY POLICE DEPARTMENT MAY REQUEST FROM THE
8 CENTRAL REPOSITORY STATE AND NATIONAL CRIMINAL HISTORY RECORDS
9 CHECKS FOR EACH TAXI DRIVER APPLICANT IN OCEAN CITY.

10 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
11 RECORDS CHECK, THE OCEAN CITY POLICE DEPARTMENT SHALL SUBMIT TO
12 THE CENTRAL REPOSITORY:

13 (I) TWO COMPLETE SETS OF THE TAXI DRIVER APPLICANT'S
14 LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF
15 THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
16 INVESTIGATION;

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

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

22 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-234 OF THIS
23 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE TAXI DRIVER
24 APPLICANT AND THE OCEAN CITY POLICE DEPARTMENT THE TAXI DRIVER
25 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

26 (D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
27 THIS SECTION:

28 (1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

29 (2) MAY BE USED ONLY FOR THE EMPLOYMENT PURPOSE
30 AUTHORIZED BY THIS SECTION.

31 (E) A TAXI DRIVER APPLICANT WHO IS THE SUBJECT OF A CRIMINAL
32 HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS

1 OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS
2 PROVIDED IN § 10-223 OF THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2012.