

Chapter 289

(Senate Bill 680)

AN ACT concerning

State Personnel Management System – Criminal History Records Check

FOR the purpose of authorizing certain appointing authorities in the State Personnel Management System to request from the Criminal Justice Information System Central Repository State and national criminal history records checks for certain prospective and current employees; establishing certain procedures to apply for a criminal history records check; requiring the Central Repository to forward criminal history record information to the current or prospective employee under certain circumstances; providing that certain information is confidential and may be used only for certain purposes; authorizing a person who is the subject of a criminal history records check under this Act to contest certain information in the record; authorizing the Secretary of Budget and Management to adopt certain regulations, guidelines, and policies to implement this Act; defining a certain term; and generally relating to State and national criminal history records checks for certain prospective and current employees in the State Personnel Management System.

BY adding to

Article – State Personnel and Pensions

Section 7–103

Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

Article – State Personnel and Pensions

7–103.

(A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) (1) AN APPOINTING AUTHORITY MAY REQUEST A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FROM THE CENTRAL REPOSITORY FOR:

(I) A PERSON WHO IS SELECTED FOR A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM; OR

(II) A CURRENT EMPLOYEE WHO IS ELIGIBLE AND IS BEING RECOMMENDED FOR TRANSFER, PROMOTION, OR REASSIGNMENT TO A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(2) THE APPOINTING AUTHORITY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH PROSPECTIVE OR CURRENT EMPLOYEE FOR WHOM A RECORDS CHECK IS SOUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE APPOINTING AUTHORITY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE PROSPECTIVE OR CURRENT EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; AND

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

(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE OR CURRENT EMPLOYEE AND THE APPOINTING AUTHORITY THE PROSPECTIVE OR CURRENT EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

**(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
AND**

(II) MAY BE USED ONLY FOR EMPLOYMENT PURPOSES AUTHORIZED UNDER DIVISION I OF THIS ARTICLE.

(C) A PERSON WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(D) THE SECRETARY MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT THIS SECTION.

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

Approved by the Governor, May 2, 2012.