

SENATE BILL 45

R4

7lr0012

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)**

Requested: October 5, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Driving Instructors – Criminal History Records**
3 **Checks**

4 FOR the purpose of requiring the Criminal Justice Information System Central Repository
5 of the Department of Public Safety and Correctional Services to provide to the Motor
6 Vehicle Administration certain revised criminal history record information under
7 certain circumstances; altering the application process for a criminal history records
8 check for driving instructors; making a certain technical correction; making a
9 stylistic change; and generally relating to criminal history records checks for driving
10 instructors.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 15–804(b)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2016 Supplement)

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

18 **Article – Transportation**

19 15–804.

20 (b) (1) In this subsection, “Central Repository” means the Criminal Justice
21 Information System Central Repository of the Department of Public Safety and
22 Correctional Services.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) The Administration shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(3) As part of the application for a criminal history records check, the Administration shall submit to the Central Repository:

(i) ~~Two complete sets~~ **ONE COMPLETE SET** of the applicant's legible fingerprints taken ~~on forms~~ **IN A MANNER** 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 Maryland criminal history records; and

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

(4) In accordance with §§ 10-201 through ~~10-234~~ **10-229** of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Administration the applicant's criminal history ~~records~~ **RECORD** information.

(5) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE ADMINISTRATION A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.

~~[(5)]~~ **(6)** Information obtained from the Central Repository under this subsection:

(i) Is confidential and may not be disseminated; and

(ii) Shall be used only for the licensing purpose authorized by this subsection.

~~[(6)]~~ **(7)** The subject of a criminal history records check under this subsection may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.