

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

COMAR T. 12, Subt. 15, Ch. 01, Refs & Annos

COMAR 12.15.01.01

.01 Purpose.

The purpose of these regulations is to implement the provisions of Criminal Procedure Article, Title 10, Subtitle 2, Annotated Code of Maryland.

COMAR 12.15.01.02

.02 Scope.

These regulations apply to:

- A. The executive branch of State government;
- B. A local criminal justice agency that is not in the judicial branch of government;
- C. An individual, agency, or organization with an agreement with the Secretary, Department of Public Safety and Correctional Services, for access to criminal history record information; and
- D. An individual who is the subject of CHRI.

COMAR 12.15.01.03

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Advisory Board" has the meaning stated in Criminal Procedure Article, §10-201, Annotated Code of Maryland.

(2) "Arrest" means the detention of an individual for the purpose of criminal prosecution, for the filing of delinquency petitions, or pursuant to existing charges or delinquency petitions.

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(3) “Collection” means the receipt, organization, and processing of CHRI by a criminal justice agency, a criminal justice repository, or the Criminal Justice Information System Central Repository (Central Repository).

(4) Conviction Criminal History Record Information.

(a) “Conviction criminal history record information” means reportable events that have resulted in a finding of guilt.

(b) “Conviction criminal history record information” includes:

(i) A plea of nolo contendere accepted by a court; and

(ii) Probation before judgment.

(5) “Criminal history record information (CHRI)” has the meaning stated in Criminal Procedure Article, §10-201, Annotated Code of Maryland.

(6) Criminal History Records Check.

(a) “Criminal history records check” means a record check of CHRI maintained by the Central Repository or the Federal Bureau of Investigation (FBI).

(b) “Criminal history records check” is limited to the existence of a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or pending criminal charge.

(7) Criminal Justice Agency.

(a) “Criminal justice agency”, except for the Department of Juvenile Services or a juvenile court, means a government agency or subunit of an agency that:

(i) Is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, custodial treatment, or confinement under Health-General Article, Title 12, Annotated Code of Maryland, rehabilitation, or release of persons suspected, charged, or convicted of a crime or relieved of criminal punishment by verdict of not criminally responsible, or is responsible for criminal identification activities and the collection, storage, and dissemination of criminal history record information; and

(ii) Allocates a substantial portion of the agency’s annual budget to any of the functions in §B(7)(a)(i) of this regulation.

(b) “Criminal justice agency”, except for Department of Juvenile Services or a juvenile court, includes the following agencies, when exercising jurisdiction over criminal matters or criminal history record information:

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(i) A State, county, and municipal police department, sheriff's office, correctional facility, parole and probation department, jail, and detention center;

(ii) An agency required to report to the Central Repository under Health-General Article, §12-107 or 12-112, Annotated Code of Maryland;

(iii) The Office of the Attorney General, the State's Attorney Office, and other person authorized by law to prosecute an individual accused of a criminal offense; and

(iv) The Administrative Office of the Courts, the Court of Appeals, the Court of Special Appeals, the circuit courts (including the Supreme Bench of Baltimore City), the District Court of Maryland, and the offices of the clerks of these courts.

(8) "Criminal justice information system" means the equipment (including computer hardware and software), facilities, procedures, agreements, and personnel used to collect, process, preserve, and disseminate CHRI.

(9) "Criminal justice purpose" means use of CHRI by:

(a) A criminal justice agency:

(i) To conduct criminal justice duties and responsibilities; or

(ii) Related to activities concerning hiring or retaining a criminal justice agency employee; and

(b) The Maryland Public Defender or other defense counsel of record for the purpose of the defense of a client in a pending criminal proceeding.

(10) Disseminate.

(a) "Disseminate" means to transmit CHRI in oral, electronic, or written form.

(b) "Disseminate" does not include the:

(i) Transmittal of CHRI within a criminal justice agency;

(ii) Reporting of CHRI as required by Criminal Procedure Article, §10-214, Annotated Code of Maryland;

(iii) Transmittal of CHRI between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense; or

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(iv) Disclosure of CHRI during preparation for or during the conduct of a public judicial proceeding by the State's Attorney, Attorney General, a law enforcement officer, or other person authorized by law to conduct criminal investigations or to prosecute persons accused of criminal offenses.

(11) Fingerprinting.

(a) "Fingerprinting" means a method of identifying an individual using impressions of the minute ridge formations or patterns on an individual's fingers and thumbs, based on the accepted premise that no two individuals have the same ridge formations or impressions.

(b) "Fingerprinting" may be performed:

(i) Manually, using ink and paper; or

(ii) Electronically, using a Livescan device.

(12) "Fingerprinting service fee" means a cost paid to the agency collecting demographic data and performing fingerprinting for an applicant.

(13) "Juvenile" means a child under 18 years old as defined in Courts and Judicial Proceedings Article, §3-801, Annotated Code of Maryland.

(14) "Nonconviction criminal history record information" means:

(a) Arrest information without disposition;

(b) Information disclosing that a law enforcement agency elected not to refer a matter to a prosecutor;

(c) A prosecutor has elected not to initiate a criminal proceeding;

(d) A criminal proceeding has been indefinitely postponed;

(e) An acquittal; or

(f) A dismissal.

(15) "Noncriminal justice agency" means a government or private agency that is not a criminal justice agency defined under Criminal Procedure Article, §10-210(d), Annotated Code of Maryland, and receives CHRI for licensing and employment purposes.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(16) “Noncriminal justice purpose” means the use of CHRI for licensing and employment purposes.

(17) “Private party petitioner” means a nongovernmental employer, employment agency, membership association, landlord (including a public housing authority), or duly designated agent licensed, chartered, or registered in any state, territory, or possession of the United States, or in the District of Columbia.

(18) “Rap Back Program” means the State program that will inform an employer or other designated entity when an individual who has undergone a criminal history records check and whose fingerprints are retained by the Central Repository after the criminal history records check is subsequently arrested or is the subject of another reportable event pursuant to COMAR 12.15.01.19.

(19) “Reportable event” means an event specified under Criminal Procedure Article, §10-215, Annotated Code of Maryland.

(20) “Reporting” means the transmittal of CHRI by a criminal justice agency or a repository to the Central Repository.

(21) “Secretary” means the Secretary of Public Safety and Correctional Services.

COMAR 12.15.01.04

.04 Criminal Justice Information System Central Repository (Central Repository).

A. The Central Repository shall perform functions and other tasks delegated by the Secretary to ensure the accuracy, completeness, and security of CHRI in Maryland.

B. Central Repository Authority.

(1) With the approval of the Secretary, or a designee, the Central Repository has the authority to enter into an agreement:

(a) With an agency that by law or regulatory process has the authority to access or contribute to CHRI; and

(b) That complies with Criminal Procedure Article, §10-217, Annotated Code of Maryland.

(2) With the approval of the Secretary, or a designee, the Central Repository has the authority to:

(a) To perform audits of a criminal or noncriminal justice agency with respect to CHRI to ensure the completeness and accuracy of information reported, maintained, or disseminated;

(b) Inspect and evaluate procedures and facilities relating to the privacy and security of CHRI in an agency

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

bound by these regulations, and to enforce sanctions agreed upon with the Central Repository;

(c) Deny a criminal or noncriminal justice agency access to CHRI unless access is in accordance with an approved agreement; and

(d) Refuse acceptance of CHRI from a criminal justice agency unless the information is submitted in accordance with an approved agreement.

COMAR 12.15.01.05

.05 Right of an Individual to Inspect the Individual's CHRI.

A. Access to CHRI.

(1) An individual may inspect the individual's CHRI maintained by a criminal justice agency, except if the CHRI or part of the CHRI is relevant to a pending criminal proceeding.

(2) The exception in §A(1) of this regulation does not affect the right of inspection and discovery permitted by rule of court or by statute.

(3) CHRI that was recorded before January 1, 1978 is subject to the right of access and challenge in accordance with this subtitle.

(4) When a request is made to review CHRI, a criminal justice agency shall make a reasonable search for the CHRI maintained under the criminal justice agency's authority.

(5) A criminal justice agency requested to provide access to CHRI that cannot be located after a reasonable search has no further obligation to provide CHRI.

B. A fee, established in Regulation .15 of this chapter, shall be charged an individual for each request to review that individual's CHRI, except if the individual files a verified certificate of indigence with the agency requested to provide the individual's CHRI.

C. Filing Request to Review CHRI. An individual may file a request to obtain and to review the individual's CHRI with the Central Repository or other locations designated by the Central Repository.

D. Filing Request to Review CHRI with a Criminal Justice Agency.

(1) Until CHRI is filed with the Central Repository, an individual may file a request to review a portion of the individual's CHRI with the criminal justice agency, other than the Central Repository, collecting and maintaining the CHRI that has not been filed with the Central Repository.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(2) A request to review is subject to the procedures of the criminal justice agency maintaining the CHRI.

(3) A criminal justice agency maintaining CHRI shall adopt procedures for individual review and challenge of CHRI that comply with applicable federal and State law and regulations.

E. An individual held in custody at a law enforcement agency, detention center, or correctional facility as the result of a court action may file a request to review the individual's CHRI with the criminal justice agency detaining the individual.

F. Before an individual may review the individual's CHRI, the individual shall be identified by fingerprint comparison with the Central Repository record according to procedures established by the Central Repository.

G. An attorney may review a client's CHRI if the attorney:

- (1) Satisfactorily establishes the client's identity;
- (2) Presents written authorization from the attorney's client; and
- (3) Pays the fee established in Regulation .15 of this chapter.

H. An individual requesting to review CHRI shall:

- (1) Submit the request using an application form or electronic format that:
 - (a) Is authorized by the Central Repository;
 - (b) Is properly completed; and
 - (c) Includes a complete set of legible fingerprints; and
- (2) Forward the properly completed form to the Central Repository.

I. Upon receipt of a proper request to review CHRI, the Central Repository shall:

- (1) Verify the identity of the applicant by fingerprint comparison and other available identifiers; and
- (2) If identification is verified and CHRI is found, provide a copy of the CHRI to the applicant.

J. Denial of a Request to Review CHRI.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(1) The Central Repository or a criminal justice agency may deny a request to review CHRI if the Central Repository or criminal justice agency determines that the individual is not:

(a) The subject of the CHRI; or

(b) Entitled to review the CHRI under Criminal Procedure Article, §10-226, Annotated Code of Maryland.

(2) If the Central Repository or a criminal justice agency denies a request to review CHRI, the Central Repository or criminal justice agency denying the request shall:

(a) Provide written notification of the denial, including the reason for the denial;

(b) Send the written notification of denial to the individual making the request within 30 days; and

(c) Provide the individual written notification of the individual's right to appeal the denial of the request to review CHRI.

K. The Central Repository or a criminal justice agency receiving a request to review CHRI shall retain a copy of the application.

L. An individual may only challenge the following concerning CHRI:

(1) Completeness;

(2) Content;

(3) Accuracy; or

(4) Dissemination.

COMAR 12.15.01.06

.06 Right of an Individual to Challenge a Denial to Review CHRI.

A. If a request to review CHRI is denied pursuant to the procedures under Regulation .05 of this chapter, the individual may challenge the denial except if the request to review CHRI was denied by the courts.

B. Challenge to Denial.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(1) An individual challenging a denial of a request to review CHRI shall submit:

(a) The challenge to the Central Repository using an application form authorized by the Central Repository; and

(b) A complete set of fingerprints taken at a location designated by the Central Repository.

(2) The challenge shall be filed within 10 days of the date of the denial to review CHRI.

C. The Secretary, or a designee, shall:

(1) Designate a review officer;

(2) Set a date to conduct the review that is within 30 days of the date the challenge was received by the Central Repository; and

(3) Within the 30-day period before the date of the review, compare the full set of fingerprints submitted by the individual submitting the challenge with the fingerprints on the arrest record.

D. The Secretary, or a designee, shall issue a written decision stating whether the individual filing the challenge is or is not the individual in the record and provide copies of the decision to the:

(1) Individual submitting the challenge; and

(2) Central Repository.

E. Upon receipt of a decision under §D of this regulation the Central Repository shall:

(1) Maintain a copy of the decision; and

(2) Send a copy of the decision to a criminal justice agency affected by the denial to review CHRI.

F. If the Secretary, or a designee, decides that the the individual submitting the challenge is:

(1) The subject of the CHRI, the the individual submitting the challenge:

(a) May submit the Secretary's decision to the agency denying the request to review CHRI; and

(b) Upon receipt of the Secretary's decision by the appropriate agency, shall be permitted to review the applicable CHRI; or

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(2) Not the subject of the CHRI, the individual submitting the challenge of the denial may not review the CHRI.

G. The individual submitting the challenge of the denial to review CHRI or the agency maintaining the CHRI may appeal the decision of the Secretary in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

COMAR 12.15.01.07

.07 Right of an Individual to Challenge Completeness, Content, Accuracy, and Dissemination of CHRI.

A. An individual having reviewed CHRI may only challenge the following related to CHRI:

- (1) Completeness;
- (2) Content;
- (3) Accuracy; or
- (4) Dissemination.

B. Challenge to Completeness, Content, Accuracy, or Dissemination of CHRI.

(1) An individual challenging CHRI under this regulation shall submit the challenge using a form authorized by the Central Repository to the:

- (a) Central Repository; and
- (b) Agency responsible for the location where the individual reviewed the CHRI, if other than the Central Repository.

(2) Upon receipt of the challenge form, the Central Repository shall examine the part of the individual's CHRI that has been challenged under this regulation.

(3) As part of the examination under §B(2) of this regulation, the Central Repository may require a criminal justice agency that was the source of challenged CHRI to verify the CHRI.

(4) The Central Repository shall notify the individual submitting the challenge under this regulation:

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(a) In writing of the results of the examination and decision concerning the basis of the challenge; and

(b) Within 90 days after the date the challenge was received by the Central Repository.

(5) If the challenge or any part of the challenge is rejected by the Central Repository, the notification under §B(4) of this regulation shall include information concerning the individual's right to appeal the Central Repository's rejection of the challenge.

C. Correction of CHRI.

(1) If the Central Repository determines that the individual's challenge under this regulation is valid, the Central Repository shall:

(a) Make the appropriate correction on the Central Repository's CHRI; and

(b) Notify the criminal justice or other agency responsible for the CHRI requiring correction.

(2) An agency receiving notification under §C(1)(b) of this regulation shall:

(a) Correct the agency's CHRI; and

(b) Provide certification to the Central Repository that the correction was made.

(3) If requested by the individual whose CHRI was corrected, the agency disseminating the individual's CHRI shall provide the individual with the names of noncriminal justice agencies or persons to whom the CHRI was disseminated during the 12 months immediately preceding the date the individual reviewed the CHRI.

D. Notice of Correction.

(1) A criminal justice agency or other agency required to correct CHRI under §C(2) of this regulation that had disseminated CHRI before the CHRI was corrected shall give written notice of the correction to the person receiving the uncorrected CHRI.

(2) The person receiving notification under §D(1) of this regulation shall:

(a) Make the correction to the CHRI in the person's possession; and

(b) Provide certification that the correction has been made to the agency making notification under §D(1) of this regulation.

E. Appeal.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(1) If a challenge to the completeness, content, accuracy, or dissemination is denied by the Central Repository, the individual may appeal the decision.

(2) An individual shall:

(a) Use a form authorized by the Central Repository to appeal a denial of a challenge under this regulation; and

(b) File the appeal within 30 days of the date of the denial of the challenge with the:

(i) Secretary;

(ii) Criminal justice agency that contributed to or created the CHRI; and

(iii) Central Repository.

F. The Secretary, or a designee, shall:

(1) Designate a hearing officer;

(2) Set a hearing date within 30 days of the date the appeal was received by the Central Repository; and

(3) Ensure that the date set for the hearing is within 60 days of the date the appeal was received by the Central Repository.

G. If the individual filing an appeal under this regulation does not appear at the hearing on the date set under §F of this regulation, the appeal shall be denied by the hearing officer.

H. At the appeal hearing, the individual filing the appeal and a criminal justice agency affected by the appeal may:

(1) Be represented by an attorney;

(2) Introduce additional evidence; and

(3) Interrogate persons responsible for recording or maintaining the CHRI under review.

I. Appeal of a Hearing Decision.

(1) The Secretary, or a designee, shall provide a written decision stating the outcome of the appeal hearing

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

under §F of this regulation to the:

(a) Individual filing the appeal; and

(b) Central Repository.

(2) Upon receipt of a decision under §I(1)(b) of this regulation, the Central Repository shall:

(a) Retain a copy of the written decision; and

(b) Disseminate a copy of the written decision to a person affected by the hearing.

J. Appeal Decision.

(1) If a decision under §I of this regulation concludes that the challenge to the completeness, content, accuracy, or dissemination of the CHRI is valid, the written decision shall direct that the CHRI is to be corrected.

(2) The Central Repository and the criminal justice agency contributing to or maintaining the CHRI shall:

(a) Correct the CHRI maintained by the agency; and

(b) Certify to the Secretary, or a designee, that the CHRI was corrected.

K. A criminal justice agency required to correct CHRI under §J of this regulation, that had disseminated the CHRI before being corrected, shall give written notice to the person receiving the uncorrected CHRI of the correction, and the person shall:

(1) Make the correction to the person's CHRI; and

(2) Certify to the disseminating agency that the correction was made.

L. A party to an appeal of the decision under §I of this regulation may appeal the decision in accordance with State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

M. Central Repository records relating to the individual's right to review and challenge shall be:

(1) Centrally maintained in the place and manner designated by the Secretary, or a designee; and

(2) Retained for a minimum of 4 years, except for the respective fingerprint card that shall be retained for a minimum of 15 years.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

COMAR 12.15.01.08

.08 Collection.

A. The Central Repository shall collect and store CHRI from criminal justice agencies or CHRI repositories in the State.

B. The Central Repository shall maintain CHRI to:

- (1) Reflect processing of an individual through the criminal justice system; and
- (2) Ensure complete, accurate, confidential, and secure CHRI.

C. The Central Repository:

- (1) Shall maintain information related to a juvenile arrest as confidential in accordance with Courts and Judicial Proceedings Article, §3-828(a), Annotated Code of Maryland.
- (2) Shall maintain information related to a juvenile separately from adult CHRI.
- (3) May only disseminate information related to a juvenile to:
 - (a) The Department of Juvenile Services;
 - (b) Comply with an order of a court upon good cause shown; and
 - (c) A law enforcement agency for investigation and prosecution of the juvenile.

COMAR 12.15.01.09

.09 Reporting.

A. Each criminal justice agency or CHRI repository shall report CHRI to the Central Repository in accordance with Criminal Procedure Article, §10-215, Annotated Code of Maryland, and the following:

- (1) Information concerning an arrest or the issuance of an arrest warrant shall be reported within 72 hours after the arrest is made or the warrant is issued; and

Maryland Regulations Currentness_Title 12 Department of Public Safety and Correctional Services _Subtitle 15 Criminal Justice Information System Central Repository _Chapter 01 Implementation of the Criminal Justice Information System Statute

(2) Information concerning another reportable event not included under §A(1) of this regulation shall be reported within 60 days after the date of the reportable event.

B. A criminal justice agency shall report CHRI to the Central Repository in a manner that ensures the CHRI:

(1) Accurately identifies the offender through fingerprint comparison or other compelling information;

(2) Accurately tracks the individual through the criminal justice system;

(3) Conforms to federal and State laws and regulations; and

(4) Complies with Central Repository procedures for collection, reporting, maintenance, and dissemination of CHRI.

C. The Secretary, or a designee, shall specify the content, format, and media for CHRI reported to the Central Repository.

COMAR 12.15.01.10

.10 Fingerprint Process.

A. Fingerprints for each juvenile and adult arrested shall be submitted to the Central Repository within 72 hours of the arrest.

B. An adult who has been arrested shall be fingerprinted according to procedures approved by the Central Repository.

C. A juvenile who has been arrested shall be fingerprinted according to procedures approved by the Central Repository.

D. The arresting law enforcement agency or the agency responsible for processing an arrested individual shall complete and submit available information according to procedures approved by the Central Repository.

E. The Central Repository may authorize an agency to electronically submit arrest information and fingerprint images to the Central Repository.

COMAR 12.15.01.11

.11 Dissemination of CHRI -General.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

A. The Central Repository and a criminal justice agency shall collect, report, maintain, and disseminate CHRI in accordance with federal and State laws and regulations pursuant to Criminal Procedure Article, §10-221, Annotated Code of Maryland.

B. Noncriminal Justice Agency.

(1) Except under §A(2) of this regulation, only the Central Repository may disseminate CHRI to a noncriminal justice agency or individual.

(2) The Central Repository, through agreement with a criminal justice agency, may:

(a) Designate a criminal justice agency as a location where a noncriminal justice agency or individual may initiate a request for the Central Repository to provide CHRI for a noncriminal justice purpose.

(b) Authorize a criminal justice agency to disseminate to a noncriminal justice agency or individual CHRI maintained by the criminal justice agency.

(3) If a criminal justice agency is authorized to disseminate CHRI under §B(1) of this regulation, the criminal justice agency shall maintain a log of each recording in the log the:

(a) Date the request was made;

(b) Purpose of the request;

(c) CHRI disseminated;

(d) Person receiving the information; and

(e) Date the CHRI was disseminated.

(4) The Central Repository shall maintain a log recording:

(a) A criminal justice agency authorized to disseminate CHRI for noncriminal justice purposes; and

(b) The name of the agency or individual receiving the CHRI for noncriminal justice purposes from the authorized criminal justice agency.

C. The Central Repository or a criminal justice agency or individual authorized to access CHRI may not confirm the existence or nonexistence of CHRI to a person that is not eligible to receive the CHRI.

D. A log required to be kept under this chapter shall be maintained for at least 3 years.

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

E. The use of CHRI by an authorized agency or individual:

- (1) Is limited to the specific purpose stated in this chapter; and
- (2) May not be disseminated further without specific authorization by the Central Repository.

F. In addition to another remedy or penalty authorized by law, the Secretary, or a designee, may:

- (1) Determine that an individual or agency is in violation of the provisions of this chapter; and
- (2) Initiate the necessary action to enforce compliance with this chapter, including:
 - (a) Terminating authorization to access CHRI;
 - (b) Revoking an agreement between the agency and the Central Repository; and
 - (c) Criminal or civil proceedings.

G. Dissemination of CHRI.

- (1) The Secretary, or a designee, shall review agreements to determine if continued dissemination of CHRI based on the agreements is consistent with current law, regulation, and policy.
- (2) If the Secretary, or a designee, determines that continued dissemination under an agreement is not consistent with current law, regulation, or policy, the Secretary, or a designee, shall:
 - (a) Revoke the agreement;
 - (b) Terminate access to CHRI; and
 - (c) Send written notice of the revocation to the individual, agency, private employer, or organization stating the reasons for the revocation.
- (3) An individual, agency, private employer, or organization whose access is terminated by the Secretary, or a designee, may appeal the action in accordance with the State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

COMAR 12.15.01.12

.12 Dissemination of CHRI -Criminal Justice Agency.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

A. In accordance with requirements under Regulation .13B of this chapter, the Central Repository or a criminal justice agency shall disseminate CHRI to a criminal justice agency.

B. A criminal justice agency may request CHRI from the Central Repository or a criminal justice agency only if the CHRI is used:

- (1) In the performance of the agency's function as a criminal justice agency; or
- (2) For the purpose of hiring or retaining the criminal justice agency's employees.

C. Dissemination Between Criminal Justice Agencies.

(1) Except for provisions under §C(4) of this regulation, a criminal justice agency may not disseminate CHRI to another criminal justice agency unless the criminal justice agency disseminating the CHRI has requested and received from the Central Repository verification that the CHRI to be disseminated is complete, accurate, and current.

(2) Before a criminal justice agency or the Central Repository disseminates CHRI to a criminal justice agency, the criminal justice agency or the Central Repository shall verify the identity of the criminal justice agency requesting the CHRI.

(3) A criminal justice agency or the Central Repository may verify the identity of a criminal justice agency using information available from the Department.

(4) If a criminal justice agency requesting CHRI demonstrates to the criminal justice agency maintaining the requested CHRI or the Central Repository that a delay in the receipt of CHRI will unduly impede necessary action by the requesting criminal justice agency or will violate or materially impair a substantive right of the individual who is the subject of the CHRI, the disseminating criminal justice agency or the Central Repository shall:

(a) Provide the requested CHRI without meeting requirements under §C(2) and (3) of this regulation; and

(b) Record the transaction in the respective criminal justice agency's log including the:

- (i) Date the request for CHRI was made;
- (ii) CHRI disseminated;
- (iii) Criminal justice agency receiving the CHRI; and

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(iv) Date the CHRI was disseminated.

D. If a request for CHRI is made by a criminal justice agency from another state, dissemination shall be limited to the purposes for which CHRI is disseminated to a criminal justice agency in Maryland.

E. The Central Repository shall maintain a log of requests under §D of this regulation including the:

- (1) Date the request for CHRI was made;
- (2) CHRI disseminated;
- (3) Criminal justice agency receiving the CHRI; and
- (4) Date the CHRI was disseminated.

COMAR 12.15.01.13

.13 Dissemination of CHRI -Noncriminal Justice Agency.

A. Except for provisions under §B of this regulation, the Central Repository may not disseminate to a noncriminal justice federal, State, or local government agency:

(1) Conviction CHRI, except:

(a) If the recipient of the CHRI is expressly authorized by statute, ordinance, executive order, or court rule, decision, or order to grant, deny, suspend, revoke, or terminate a license, employment, or other right or privilege; and

(b) If the statute, ordinance, order, or rule specifies the existence or nonexistence of a prior conviction or other criminal conduct as a condition to the grant, denial, suspension, revocation, or termination of the license, employment, right, or privilege.

(2) Nonconviction CHRI except:

(a) If the recipient of the CHRI is expressly authorized by statute, ordinance, executive order, or court rule, decision, or order to grant, deny, suspend, revoke, or terminate a license, employment, or other right or privilege; and

(b) If the statute, ordinance, executive order, or court rule, decision, or order specifies access to nonconviction CHRI in consideration of the decision to grant, deny, suspend, revoke, or terminate a license, employment, right, or privilege.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

B. The Central Repository may disseminate conviction and nonconviction CHRI to the following for the purpose and under the conditions stated:

(1) To determine suitability for employment or eligibility for security clearances:

(a) The Department of Personnel; or

(b) Other appointing authority of a federal, State, or local unit of government.

(2) To defend a client in a pending criminal proceeding:

(a) The Maryland Public Defender; or

(b) Defense counsel of record.

(3) A bail bondsman working with a client who is the subject of the CHRI, if authorized by the Maryland Rules of Practice and Procedure of the Court of Appeals.

(4) The Department of Juvenile Services for the purposes of carrying out statutory duties.

(5) Research, Evaluation, and Statistical Analysis.

(a) To conduct research, evaluation, and statistical analysis of criminal activity:

(i) The Governor's Office of Crime Control and Prevention;

(ii) The Maryland Justice Analysis Center of the Governor's Office of Crime Control and Prevention;

(iii) A person or agency engaged in legitimate research, evaluation, or statistical analysis activities, pursuant to an agreement with the Secretary or the Chief Judge of the Court of Appeals; and

(iv) Other office, board, commission, or task force and the designated agents of these organizations established and granted CHRI access by Executive Order of the Governor or directive of the Secretary.

(b) Results of research, evaluation, and analyses derived from CHRI may not include the name of any individual or any other unique identifiers relating to the individual.

(6) A person or agency under contract with a criminal justice agency to provide specific services required by

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

the criminal justice agency to perform criminal justice functions pursuant to an agreement with the Secretary.

(7) The Attorney Grievance Commission and subunits, the Board of Law Examiners and subunits, the Commission on Judicial Disabilities, and a judicial nominating commission for the purpose of exercising respective functions in connection with lawyer discipline, bar admissions, judicial discipline, and judicial selection.

C. Under Md. Rule §4-263, a State's attorney or other State prosecutor, for the purpose of defending a client in a pending criminal proceeding, shall:

(1) Without the necessity of a request, disseminate CHRI to:

(a) The public defender; or

(b) Defense counsel of record; and

(2) Document dissemination of CHRI under §C(1) of this regulation according to §D(1) and (2)(b)-(e) of this regulation.

D. For CHRI disseminated to a noncriminal justice agency, the Central Repository or the criminal justice agency disseminating the CHRI shall:

(1) Verify the identity of the person requesting to receive the CHRI for noncriminal justice purposes; and

(2) Maintain a log of a request including the:

(a) Date the request for CHRI was made;

(b) Purpose for which the request was made;

(c) CHRI disseminated;

(d) Recipient of the CHRI; and

(e) Date the CHRI was disseminated.

E. A fee, as specified in Regulation .15 of this chapter, shall be charged for each request for CHRI for a noncriminal justice purpose.

COMAR 12.15.01.14

.14 Dissemination of CHRI -Private Party Petitioner.

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

A. Except as otherwise authorized under this chapter, the Central Repository may not disseminate to a private party petitioner the following:

(1) Conviction CHRI concerning current or prospective employees, occupants of leased real property, volunteers, or members of an association, except if the private party petitioner convincingly demonstrates to the Central Repository that the subject of the requested CHRI could, in the subject's status as an employee, occupant of the leased real property, volunteer, or member of the association, have the capability to:

(a) Jeopardize the life or safety of an individual;

(b) Cause significant loss or damage by illegally accessing or misusing the fiscal or nonfiscal assets of the employer, landlord, association or its members, or the public; or

(c) Otherwise engage or participate in criminal conduct in violation of State, local, and federal law.

(2) Nonconviction CHRI except if the private party petitioner is expressly authorized by statute, ordinance, executive order, or court rule, order, or decision specifying the right to access nonconviction CHRI and the purpose and conditions for access.

B. The Central Repository shall establish a procedure for a private party to petition for access to conviction CHRI consistent with §A(1) of this regulation that includes a requirement for a petitioner to list the instances when access is necessary and the reason for accessing CHRI consistent with this regulation.

C. The Central Repository shall deny access to CHRI under §A of this regulation if the private party petitioner is otherwise authorized under law, regulation, or agreement to access CHRI.

D. A fee, as specified in Regulation .15 of this chapter, shall be charged for each request for access to CHRI for a noncriminal justice purpose.

COMAR 12.15.01.15

.15 Fees -CHRI Checks for Noncriminal Justice Purposes.

A. A person requesting CHRI, for noncriminal justice purposes, of CHRI maintained by the Central Repository shall submit a nonrefundable CHRI access fee of \$18 with each request for an individual CHRI.

B. A nonrefundable fee to cover the costs of providing the requested CHRI shall be submitted with each request to access CHRI for research, evaluation, and statistical analysis for noncriminal justice purposes as defined in Regulation .13 of this chapter. The fee shall be comprised of costs, when applicable, for computer programming, computer processing, computer output media, handling, shipping, and other associated expenses based upon current rates.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

C. Fingerprinting Service Fee.

(1) The Central Repository shall collect a nonrefundable fingerprinting service fee of \$20 for each request for an individual CHRI.

(2) The Central Repository shall collect the fingerprinting service fee to cover the cost for Central Repository to collect demographic data about an applicant and perform fingerprinting for an applicant.

(3) The Central Repository shall collect the fingerprinting service fee only if the Central Repository collects the demographic data about the applicant and performs fingerprinting for an applicant.

D. The Central Repository shall display a current list of fees and the specified amount of each fee at a Central Repository location operated for the purpose of applying for a CHRI check.

E. The following chart contains the fees collected by Central Repository for a noncriminal justice CHRI check:

CHRI CHECK	FEE COLLECTED FOR	AMOUNT
CHRI Check-State only-for: Adoption (Add \$1 if gold seal) Adult dependent care Attorney/client-civil action Government employment/non-criminal justice Government licensing or certification Immigration/visa (Add \$1 if gold seal) Individual review MSP licensing or certification Private party petition Public housing	<vAlign="top" align="left" width="222">CHRI access fee Fingerprinting service fee (Only if The Central Repository collects demographic data and performs fingerprinting for the applicant)	<vAlign="top" align="left" width="56">\$18\$20
Full background-State and FBI CHRI check-for: Child care (FLA) (minus \$8 if volunteer) Government employment Government licensing or certification	<vAlign="top" align="left" width="222">CHRI access fee Fingerprinting service fee (Only if The Central Repository collects demographic data and performs fingerprinting for the applicant) FBI fee (\$14.50 plus \$2 processing fee)	\$18\$20 \$16.50
<vAlign="top" align="left" width="257">HAZ MAT endorsement on CDL (COMAR 12.15.04)	<vAlign="top" align="left" width="222">Threat assessment processing fee CHRI access fee Fingerprinting service fee (Only if The Central Repository collects demographic data and performs fingerprinting for the applicant) FBI fee (\$14.50 plus \$2 processing fee) Threat assessment fee	\$2 \$18 \$20 \$16.50 \$34

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

Criminal justice (employment or investigation) Attorney/client-criminal proceeding (case number must be provided) Individual challenge

<vAlign="top" align="left" width="222">No fee

F. The Central Repository requires payment to be made as follows:

(1) Method:

(a) Certified check;

(b) Cashier's check;

(c) Money order;

(d) Personal check; or

(e) Credit card;

(2) The applicant shall make a check or money order payable to the Central Repository;

(3) A Maryland government unit may pay fees by interagency fund transfer authorization.

G. Requests for national CHRI access passing through the Central Repository to the Federal Bureau of Investigation (FBI) require the submission of an additional fee as specified by the FBI to cover the FBI's costs for processing the request.

COMAR 12.15.01.16

.16 Security.

A. The Central Repository hereby incorporates by reference the specific federal regulations regarding security of CHRI under 28 CFR §20.20.

B. A criminal justice agency is responsible for reporting a breach of physical or operational security concerning CHRI to the Central Repository.

C. If there is a breach of the physical security of CHRI or a failure to meet physical security standards for CHRI

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

required by federal or State statute or regulation or Central Repository procedures relating to the physical security of CHRI, the Central Repository shall ensure that the breach is corrected.

D. If there is a failure to comply with personnel policies relating to CHRI established by federal or State statute or regulation or Central Repository procedures relating to CHRI, the Central Repository shall ensure that the failure is corrected.

E. If there is a breach of the operational security of the Criminal Justice Information System as defined in Criminal Procedure Article, §10-201(e), Annotated Code of Maryland, or a failure to meet the operating security standards of federal or State statute or regulation or Central Repository procedures relating to the security of CJIS, the Central Repository shall ensure that this breach is corrected.

F. If the privacy or confidentiality of CHRI has been intentionally or inadvertently abused or the potential for abuse exists, the Central Repository shall ensure that the abuse or potential for abuse is corrected.

COMAR 12.15.01.17

.17 Auditing.

A. Audit of CHRI.

(1) As required by applicable federal and State statutes and regulations, criminal justice agencies, CHRI repositories, and noncriminal justice agencies shall be audited by the Central Repository for compliance with applicable laws, regulations, and agreements related to the security, dissemination, completeness, and accuracy of CHRI.

(2) The Central Repository shall conduct audits of a random sample of State and local criminal justice agencies, CHRI repositories, and noncriminal justice agencies to ensure that CHRI is:

(a) Accurate and complete; and

(b) Collected, reported, and disseminated in accordance with the provisions of Criminal Procedure Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(3) At a minimum, the audit shall evaluate compliance with applicable rules, regulations, agreements, and laws pertaining to physical, personal, and operational security, dissemination, completeness, and accuracy of CHRI.

(4) As required, other methods, procedures, and standards for auditing criminal justice agencies, CHRI repositories, and noncriminal justice agencies may be established by the Central Repository.

B. Criminal justice agencies, CHRI repositories, and noncriminal justice agencies shall retain and provide access to CHRI source documents, dissemination logs, security manuals, and other CHRI related information as deemed necessary to perform the audit in §A of this regulation.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

C. Except for provisions under §D of this regulation, information required under §B of this regulation shall be retained by an agency subject to a Central Repository CHRI audit according to the agency's approved records retention schedule.

D. Information required under §B of this regulation related to employment shall be destroyed as soon as the employee who is the subject of the information is no longer employed by the agency.

COMAR 12.15.01.18

.18 Agreements.

A. Agreements between the Central Repository and a criminal justice agency, CHRI repository, noncriminal justice agency, other agencies, private employers, organizations, and individuals shall incorporate the principles and requirements of applicable federal and State laws and regulations pertaining to the privacy, security, completeness, accuracy, and dissemination of CHRI.

B. An agreement shall be in writing and signed by the individual, agency, private employer, organization, or repository, and the Secretary, or a designee.

COMAR 12.15.01.19

.19 Issuance of a Revised Printed Statement (State Rap Back Program).

A. If an employer or regulatory authority is authorized by State statute to receive a revised printed statement, the Central Repository shall:

- (1) Enroll the employer or regulatory authority in the State Rap Back Program;
- (2) Maintain a record of each previously processed individual who works for, or is regulated by an authorized employer or regulatory authority;
- (3) Issue a revised printed statement for each previously processed individual when new information is added to the individual's CHRI indicating:
 - (a) An arrest;
 - (b) The issuance of an arrest warrant;
 - (c) The filing of a charging document;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(d) A disposition of conviction;

(e) A verdict of not criminally responsible; or

(f) A disposition of probation before judgment; and

(4) Send the revised printed statement to the employer, the regulatory authority, and the covered individual who is the subject of the printed statement.

B. Annual Review of Previously Processed Individuals.

(1) At least annually the Central Repository shall prepare and distribute a list of previously processed individuals to each employer or regulatory authority enrolled in the State Rap Back Program.

(2) From the list of previously processed individuals required under §B(1) of this regulation, the:

(a) Employer shall delete an individual who no longer works for and may not resume work for the employer; and

(b) Regulatory authority shall delete an individual who is no longer licensed by the regulatory authority.

(3) The employer or regulatory authority shall return the adjusted list required under §B(2) of this regulation to the Central Repository within 15 working days of receipt.

(4) The Central Repository shall cease sending revised printed statements when notified that the previously processed individual has been deleted from the annually prepared list.

C. The Central Repository shall distribute CHRI in accordance with FBI Rap Back service and federal regulations.

D. Except when prohibited by law, the Central Repository may charge a fee for providing the Rap Back Program service.

COMAR 12.15.01.20

.20 Designated Law Enforcement and Other Agencies Approved for Fingerprinting.

A. The Central Repository may designate State and local law enforcement agencies or other agencies to provide fingerprinting services for criminal justice and noncriminal justice purposes.

B. A designated law enforcement agency shall:

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(1) Provide fingerprinting services according to requirements established in this chapter; and

(2) Verify the proof of identity of the individual requesting fingerprint services at the time the individual is fingerprinted.

C. The following law enforcement agencies are designated by the Central Repository to provide fingerprinting services under this regulation:

(1) Allegany County:

(a) Allegany County Sheriff's Department;

(b) Cumberland Police Department;

(c) Frostburg State University Police Department; and

(d) Frostburg Police Department;

(2) Anne Arundel County:

(a) Anne Arundel County Police Department; and

(b) Annapolis Police Department;

(3) Baltimore City:

(a) Baltimore City Police Department;

(b) University of Maryland at Baltimore Police;

(c) Morgan State University Police Department; and

(d) Coppin State University Police Department;

(4) Baltimore County:

(a) Baltimore County Police Department;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

- (b) Towson University Police Department;

- (c) University of Maryland at Baltimore County Police Department; and

- (d) Baltimore County Sheriff's Department;

- (5) Calvert County -Calvert County Sheriff's Department;

- (6) Caroline County:
 - (a) Denton Police Department;

 - (b) Federalsburg Police Department;

 - (c) Greensboro Police Department;

 - (d) Preston Police Department; and

 - (e) Ridgely Police Department;

- (7) Carroll County:
 - (a) Carroll County Sheriff's Department;

 - (b) Hampstead Police Department;

 - (c) Manchester Police Department;

 - (d) Sykesville Police Department;

 - (e) Taneytown Police Department; and

 - (f) Westminster Police Department;

- (8) Cecil County:
 - (a) Cecil County Sheriff's Department;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(b) Elkton Police Department;

(c) North East Police Department; and

(d) Rising Sun Police Department;

(9) Charles County:

(a) Charles County Sheriff's Office; and

(b) La Plata Police Department;

(10) Dorchester County:

(a) Dorchester County Sheriff's Department;

(b) Cambridge Police Department; and

(c) Hurlock Police Department;

(11) Frederick County:

(a) Frederick County Sheriff's Department;

(b) Brunswick Police Department;

(c) Frederick City Police Department; and

(d) Thurmont Police Department;

(12) Garrett County -Garrett County Sheriff's Office;

(13) Harford County:

(a) Harford County Sheriff's Department;

(b) Aberdeen Police Department;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(c) Bel Air Police Department; and

(d) Havre de Grace Police Department;

(14) Howard County:

(a) Howard County Sheriff's Department; and

(b) Howard County Police Department;

(15) Kent County:

(a) Kent County Sheriff's Department; and

(b) Chestertown Police Department;

(16) Montgomery County:

(a) Montgomery County Sheriff's Department;

(b) Montgomery County Police Department;

(c) Montgomery County Division of the Maryland National-Capital Park Police;

(d) Rockville City Police Department;

(e) Takoma Park Police Department; and

(f) Chevy Chase Police Department;

(17) Prince George's County:

(a) Prince George's County Sheriff's Department;

(b) Prince George's County Police Department;

(c) Berwyn Heights Police Department;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

- (d) Bowie State College Police Department;
- (e) Bladensburg Police Department;
- (f) District Heights Police Department;
- (g) Greenbelt Police Department;
- (h) Hyattsville City Police Department;
- (i) Landover Hills Police Department;
- (j) Laurel Police Department;
- (k) Prince George's County Division of the Maryland National-Capital Park Police;
- (l) Riverdale Police Department; and
- (m) Mount Ranier Police Department;
- (18) Queen Anne's County:
 - (a) Queen Anne's County Sheriff's Department; and
 - (b) Centreville Police Department;
- (19) St. Mary's County -St. Mary's County Sheriff's Department;
- (20) Somerset County:
 - (a) Somerset County Sheriff's Department;
 - (b) Crisfield Police Department; and
 - (c) University of Maryland Eastern Shore Police Department;
- (21) Talbot County;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(a) Talbot County Sheriff's Department;

(b) Easton Police Department;

(c) Oxford Police Department; and

(d) St. Michael's Police Department;

(22) Washington County:

(a) Washington County Sheriff's Department;

(b) Hagerstown Police Department;

(c) Fort Ritchie Office of Security and Intelligence; and

(d) Hancock Police Department;

(23) Wicomico County:

(a) Wicomico County Sheriff's Department;

(b) Delmar Police Department;

(c) Fruitland Police Department;

(d) Salisbury Police Department; and

(e) Salisbury State University Police Department;

(24) Worcester County:

(a) Worcester County Sheriff's Department;

(b) Berlin Police Department;

(c) Ocean City Police Department; and

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(d) Pocomoke City Police Department;

(25) Except for John F. Kennedy Barrack M, all Department of State Police barracks;

(26) All Department of Natural Resources Police Force detachments; and

(27) University of Maryland Police at College Park.

D. The Central Repository may designate additional law enforcement agencies where fingerprint services under this regulation may be provided.

E. Approved Agency.

(1) The Central Repository shall designate an approved agency to provide fingerprinting services for noncriminal justice purposes under this regulation after the agency's employees have satisfactorily completed approved training.

(2) The Central Repository may require an employee of an approved agency receiving approved training to submit a set of fingerprints.

(3) An employee of an approved agency may not perform fingerprinting services for the purpose of obtaining a printed statement under this chapter until the employee has satisfactorily completed approved training.

(4) A list of approved agencies may be found on the Department's website.

F. Quality Control and Compliance Procedures.

(1) The Central Repository shall establish procedures to:

(a) Evaluate the quality of fingerprints taken by a designated law enforcement agency or an approved agency; and

(b) Monitor compliance with approved training requirements by an approved agency.

(2) The Central Repository may require retraining for an employee of an approved agency who takes an unsatisfactory number of fingerprints as determined by the Central Repository.

(3) The Central Repository:

(a) For just cause may remove an approved agency from the list of approved agencies.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(b) Shall notify, in writing, an agency that is removed from the list of agencies authorized to provide fingerprint services under this regulation.

COMAR T. 12, Subt. 15, Ch. 01, Administrative History

COMAR T. 12, Subt. 15, Ch. 02, Refs & Annos

COMAR 12.15.02.01

.01 Purpose.

This chapter establishes procedures for processing a criminal history records check under Family Law Article, §§5-560-5-569, Annotated Code of Maryland.

COMAR 12.15.02.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Application” means the form submitted by a covered individual to obtain a criminal history records check.

(2) “Approved agency” means a government or nongovernment agency, other than a law enforcement agency designated by the Secretary, where fingerprints may be taken.

(3) “Approved training” means Department of Public Safety and Correctional Services (Department) training of an employee of an approved agency to properly take fingerprints.

(4) “Authorization number” means the identifier given to an employer, a regulatory authority, or a licensed child placement agency that authorizes receipt of a printed statement.

(5) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(6) “Conviction” means a plea or verdict of guilty, or a plea of nolo contendere.

(7) Covered Individual.

(a) “Covered individual” means an employer, employee, or other individual who is required, or who may be

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

required, to obtain a criminal history records check under Family Law Article, §5-561, Annotated Code of Maryland.

(b) “Covered individual” includes an employee who is 14 years old or older as of the date of an application for a criminal history records check.

(8) Criminal History Records Check.

(a) “Criminal history records check” means a record check of the criminal history record information (CHRI) maintained by the Central Repository or the Federal Bureau of Investigation.

(b) “Criminal history records check” is limited to the existence of a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or pending criminal charge.

(9) “Director” means the Director of the Criminal Justice Information System Central Repository.

(10) “Disseminate” has the meaning stated in COMAR 12.15.01.02.

(11) “Emergency out-of-home placement” means a local department places a child in the home of a private individual, including a neighbor, friend, or relative, as a result of a sudden unavailability of the child’s primary caretaker.

(12) “Employee” has the meaning stated in Family Law Article, §5-560, Annotated Code of Maryland.

(13) “Employer” has the meaning stated in Family Law Article, §5-560, Annotated Code of Maryland.

(14) “Facility” means a facility designated under Family Law Article, §5-561, Annotated Code of Maryland, whereby the employer and an employee are required to obtain a criminal history records check.

(15) “Local Department” has the meaning stated in Family Law Article, §1-101(g)(1) and (2), Annotated Code of Maryland.

(16) “Previously processed” means an individual who has obtained a criminal history records check under this chapter.

(17) “Printed statement” means a document issued by the Central Repository containing the results of a criminal history records check under this chapter.

(18) “Private entity” means:

(a) A nongovernment agency; or

Maryland Regulations Currentness_Title 12 Department of Public Safety and Correctional Services _Subtitle 15 Criminal Justice Information System Central Repository _Chapter 01 Implementation of the Criminal Justice Information System Statute

(b) An employer.

(19) "Reference number" is the preprinted identification number on a child care application for a criminal history records check.

(20) "Regulatory authority" means a State, county, or local government agency responsible for licensing, registering, approving, or certifying a facility or a covered individual under Family Law Article, §5-561, Annotated Code of Maryland.

(21) "Secretary" means the Secretary of Public Safety and Correctional Services.

(22) Valid Photo Identification Document.

(a) "Valid photo identification document" means a current, government-issued document containing the name, photograph, and date of birth of a covered individual that is used for positive identification.

(b) "Valid photo identification document" includes:

(i) A Maryland driver's license;

(ii) A driver's license issued by another state, the District of Columbia, a United States territory, or a foreign government;

(iii) A United States passport;

(iv) A certificate of United States citizenship;

(v) A certificate of naturalization;

(vi) A current foreign passport;

(vii) An alien registration card;

(viii) A United States military identification card; or

(ix) An identification card issued by a state or local government agency, the District of Columbia, a United States territory, or a foreign government.

COMAR 12.15.02.03

.03 Application Process.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

A. A covered individual applying for a printed statement shall:

(1) Complete and submit an application to the Central Repository using a form approved by the Central Repository that provides identifying information, including the covered individual's Social Security number, that is used by the Central Repository to verify identity and preserve the security of information maintained by the Central Repository;

(2) Submit a complete set of legible fingerprints in a format approved by the Central Repository and the FBI; and

(3) Except for provisions under §B of this regulation, pay processing fees authorized under Family Law Article, §5-561(g), Annotated Code of Maryland, and Regulation .04 of this chapter.

B. The processing fee required under §A(3) of this regulation established under:

(1) Regulation .04A of this chapter may be paid by an employer or other party; or

(2) Family Law Article, §5-561(h)(2), Annotated Code of Maryland, shall be reimbursed by a local department of social services to an adult who is a covered individual residing in a foster care home.

C. When to Apply.

(1) An employee shall apply for a criminal history records check on or before the first day of actual employment at a facility.

(2) An employer shall apply for a criminal history records check on or before the first day of actual operation of a facility.

(3) Not later than 5 working days after a child, committed to a local department of social services, is placed by that department with an adult relative, a covered individual under Family Law Article, §5-561(c) or (e), Annotated Code of Maryland, shall apply for a printed statement.

(4) A covered individual seeking to adopt a child through a local department of social services or licensed child placement agency shall apply for a printed statement on or before the submission of the application for adoption.

D. Fingerprinting Process.

(1) A covered individual applying for a printed statement shall have a complete set of legible fingerprints taken in a format approved by the Central Repository at a designated law enforcement agency or approved agency.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(2) Before being fingerprinted, a covered individual shall present a valid photo identification document.

(3) After verifying identification of a covered individual, a designated law enforcement agency or approved agency shall fingerprint the covered individual.

(4) Payment of the Fingerprinting Fee.

(a) The fee, if any, for taking fingerprints shall be paid directly to the designated law enforcement agency or approved agency providing the fingerprinting service.

(b) The fee under §D(4)(a) of this regulation excludes the processing fees under Family Law Article, §5-561, Annotated Code of Maryland.

(5) Rejection of Illegible Fingerprints.

(a) If a covered individual's fingerprints are rejected as illegible by the Central Repository or the FBI, the covered individual shall be refingerprinted by the designated law enforcement agency or approved agency taking the rejected fingerprints.

(b) If the Central Repository rejects a covered individual's fingerprints a second time as illegible, the Central Repository may decide to waive the fingerprint requirement and require other documentation for use to complete the criminal history records check.

E. Previously Processed Individual.

(1) Resuming Work for Same Employer.

(a) A previously processed individual who ceases working and later resumes work for the same employer is not required to resubmit an application with fingerprints and fees under §A of this regulation if the employer has maintained the previously processed individual's name on the Central Repository's list of previously processed individuals.

(b) Upon resuming work, an employer may require a previously processed individual to obtain a national criminal history records check and pay the applicable fee.

(2) Additional or Subsequent Employment.

(a) Except as provided under Family Law Article, §5-564(d)(2), Annotated Code of Maryland, and §E(2)(b)-(d) of this regulation:

(i) An employee who has been previously processed shall submit an application, with fingerprints and the State and federal processing fees, when applying to work for another employer.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

- (ii) A criminal history records check contained in a printed statement may not be disseminated.

- (b) An employee may request, using a form approved by the Central Repository, that the Central Repository send a copy of the State and national printed statement under Regulations .06 and .07 of this chapter to an additional or subsequent employer.

- (c) A request under §E(2)(b) of this regulation shall contain identifying information, including the:
 - (i) Reference number from the most recent child care application that included fingerprints; and
 - (ii) Authorization number of an employer who is to receive a printed statement.

- (d) The Central Repository shall issue a copy of the printed statement if:
 - (i) A written request from the previously processed individual is received by the Central Repository;
 - (ii) The written request is received within 180 days of the date of the receipt of the most recent child care application; and
 - (iii) The most recent child care application included fingerprints and the required processing fees.

F. Access to Fingerprinting Services.

- (1) Except for legal holidays, a designated law enforcement agency and approved agency shall establish a schedule for fingerprinting services and make the schedule available to the public.

- (2) The Central Repository shall provide fingerprinting services and process an application for the printed statement during regular State office hours.

COMAR 12.15.02.04

.04 Payment of Processing Fees.

A. The Central Repository shall collect the nonrefundable fees for a printed statement authorized under Family Law Article, §5-561, Annotated Code of Maryland, and COMAR 12.15.01.15.

B. Except as provided in §C of this regulation, processing fees shall be:

- (1) Due at the time the application and fingerprints are submitted to the Central Repository;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(2) Except under §B(3) of this regulation, payable to the Central Repository in the form of:

- (a) Certified check;
- (b) Cashier's check;
- (c) Money order; or
- (d) Personal check; or

(3) Rendered by an alternative method approved in writing by the Central Repository.

C. The Central Repository may establish a separate processing fee payment procedure for a government agency or private organization.

D. A covered individual is not required to pay a processing fee to:

- (1) Update and issue a revised printed statement;
- (2) Contest a criminal conviction, probation before judgment disposition, not criminally responsible disposition, or a pending criminal charge reported in a Maryland printed statement; or
- (3) Request a copy of a printed statement to be submitted to an additional or subsequent employer.

COMAR 12.15.02.05

.05 Designated Law Enforcement Agencies and Approved Agencies for Fingerprinting.

The Central Repository may designate State and local law enforcement or other approved agencies to provide fingerprinting services according to provisions under COMAR 12.15.01.20.

COMAR 12.15.02.06

.06 Conducting the Criminal History Records Check.

A. The Central Repository shall process an application for a criminal history records check according to provisions in Family Law Article, §§5-563 and 5-564, Annotated Code of Maryland.

B. Subject to Regulation .07 of this chapter, the Central Repository shall issue separate printed statements containing

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

the results of the:

- (1) State criminal history records check; and
- (2) National criminal history records check.

COMAR 12.15.02.07

.07 Processing a Criminal History Records Check Received From the FBI.

A. Except as provided in §B of this regulation, the Central Repository shall issue a printed statement to a regulatory authority and a covered individual that discloses the results of a national criminal history records check received from the FBI.

B. The Central Repository shall distribute a printed statement according to federal law and regulations governing dissemination of FBI identification records.

C. Limits of Disclosure in a Printed Statement.

(1) The Central Repository shall issue a printed statement to a:

- (a) Licensed child placement agency; or
- (b) Private entity.

(2) Except for necessary administrative or personal identification information and the date on which the criminal history records check was completed, the printed statement shall only contain a statement that the Central Repository did or did not conduct a criminal history records check according to requirements under Regulation .06 of this chapter.

(3) A printed statement issued under this regulation shall be issued according to federal law and regulation governing the dissemination of FBI identification records.

COMAR 12.15.02.08

.08 Issuance of a Revised Printed Statement.

A revised statement shall be processed and distributed according to provisions under COMAR 12.15.01.19.

COMAR 12.15.02.09

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

.09 Confidentiality and Dissemination of Information.

A. A criminal history records check conducted by the Central Repository is confidential and may not be:

- (1) Used for a purpose other than that for which it is disseminated; or
- (2) Redisseminated.

B. The results of a criminal history records check may be disseminated only to:

- (1) A covered individual who is the subject of the criminal history records check; and
- (2) An employer, appropriate regulatory authority, licensed child placement agency, or private entity involved in the licensing, registration, hiring, certification, or approval process authorized by statute or regulation.

C. Confidential information obtained from the Central Repository shall be maintained in a manner to ensure that only a person authorized under Family Law Article, §§5-563(b) and 5-564(d), Annotated Code of Maryland, and this chapter have access to that information.

D. An employer, regulatory authority, private entity, or licensed child placement agency authorized to receive a printed statement from the Central Repository under these regulations for a covered individual shall provide the covered individual, who is the subject of the printed statement, with a copy of the printed statement if the covered individual requests a copy of the printed statement.

COMAR 12.15.02.10

.10 Right of a Covered Individual to Appeal the Findings in a Printed Statement.

A. A covered individual may appeal the findings in a printed statement containing a conviction, probation before judgment disposition, not criminally responsible disposition, or pending charge received from the FBI by complying with applicable federal regulations to challenge and seek to correct a record.

B. A covered individual may appeal the content of a printed statement containing a conviction, probation before judgment disposition, not criminally responsible disposition, or pending charge occurring in the State according to provisions under COMAR 12.15.01.07.

COMAR 12.15.02.11

.11 Referrals of Alleged Violations of Law.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

A criminal violation under Family Law Article, §5-566, Annotated Code of Maryland, shall be referred to the State's attorney of the jurisdiction where the alleged violation occurred.

COMAR 12.15.02.12

.12 Emergency Out-of-Home Placement.

A. When a child is subject to an emergency out-of-home placement, a local department may request that a designated State or local law enforcement agency authorized under Regulation .05 of this chapter, or other agency approved by the Department, perform a federal name-based records check on an individual described in Family Law Article, §§5-561(c)(4), (5)(ii), and (6)(ii), Annotated Code of Maryland.

B. An agency performing a federal name-based records check under §A of this regulation may provide the results of the federal name-based records check to the local department making the request.

C. Within 15 calendar days after a local department receives the results of a federal name-based records check, a representative of the local department shall submit to the Department a complete set of fingerprints for each individual subject to a federal name-based records check according to §A of this regulation.

D. When the Department receives a complete set of fingerprints for an individual subject to the federal name-based records check from a local department, the Department shall perform a criminal history records check authorized under Family Law Article, §5-564, Annotated Code of Maryland.

E. The Department shall perform a criminal history records check authorized under Family Law Article, §5-564, Annotated Code of Maryland, according to Regulation .06 of this chapter.

F. A local department shall immediately remove a child subject to an emergency out-of-home placement if an individual required to submit to a federal name-based records check does not comply with a requirement to submit to the federal name-based records check.

G. When a child's emergency out-of-home placement is denied as a result of a criminal history records check required under this regulation, the individual with the criminal history records check that is the basis for the denial may appeal the action as provided under Criminal Procedure Article, §10-227, Annotated Code of Maryland.

H. An individual required to submit to a criminal history records check under this regulation shall pay the fees established under Family Law Article, §5-561(h), Annotated Code of Maryland.

COMAR T. 12, Subt. 15, Ch. 02, Administrative History

COMAR T. 12, Subt. 15, Ch. 05, Refs & Annos

COMAR 12.15.05.01

.01 Purpose.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

This chapter establishes minimum requirements and procedures for a private provider to perform fingerprinting services and demographic data collection for non-criminal justice purposes for the Central Repository.

COMAR 12.15.05.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Authorization certificate" means a document issued by the Central Repository to a private provider authorizing the private provider to perform fingerprinting services and demographic data collection for the Central Repository.

(2) "Criminal history records check" has the meaning stated in COMAR 12.15.02.02.

(3) "Criminal history record information (CHRI)" has the meaning stated in Criminal Procedure Article, §10-201(d), Annotated Code of Maryland.

(4) "Criminal Justice Information System-Central Repository (Central Repository)" has the meaning stated in Criminal Procedure Article, §10-201(c), Annotated Code of Maryland.

(5) "Criminal justice purposes" has the meaning stated in COMAR 12.15.01.03.

(6) "FBI" means the United States Federal Bureau of Investigation.

(7) "Network Livescan Applicant Technical Interface Document" means the written minimum specifications for processing a request for a criminal history records check for non-criminal justice purposes.

(8) "Non-criminal justice purpose" has the meaning stated in COMAR 12.15.01.03.

(9) "Private provider" means a person performing fingerprinting services and demographic data collection for non-criminal justice purposes.

(10) "Private provider agreement" means a legally binding document that describes the responsibilities of the Central Repository and a private provider authorizing the private provider to perform fingerprinting services and demographic data collection for the Central Repository.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

(11) "Record" means any printed, written, or electronic document or file used or created for the purposes of collecting and transmitting fingerprint images and demographic data to the Central Repository for a request for a criminal history records check for non-criminal justice purposes.

COMAR 12.15.05.03

.03 Private Provider Performing Fingerprinting Services and Demographic Data Collection.

A. The Central Repository may authorize a private provider to perform fingerprinting services and demographic data collection for a request for a criminal history records check for non-criminal justice purposes.

B. The Central Repository shall establish minimum administrative and operational requirements for private providers to perform fingerprinting services and demographic data collection for non-criminal justice purposes.

C. Fingerprinting services and demographic data collection for non-criminal justice purposes include:

(1) Electronic transmission of an individual's fingerprints and demographic data to the Central Repository for a criminal history records check for non-criminal justice purposes;

(2) Completion of forms required for a request for a criminal history records check by obtaining information about the individual being fingerprinted; and

(3) Collection of fees and payment of invoices according to Regulation .07 of this chapter.

D. Except for purposes under §E of this regulation, a private provider authorized to perform fingerprinting services and demographic data collection for non-criminal justice purposes under this chapter shall make the private provider's fingerprinting services available to a person requesting a criminal history records check for non-criminal justice purposes.

E. A private provider may not perform fingerprinting services or demographic data collection for the following purposes:

(1) Sex offender registration;

(2) Hazardous materials endorsements-commercial driver's licenses; or

(3) Criminal justice purposes.

COMAR 12.15.05.04

.04 Private Provider Agreement and Authorization Certificate.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

A. A private provider may not provide fingerprinting services or demographic data collection for non-criminal justice purposes unless the private provider meets requirements under this chapter.

B. Before the Central Repository enters into a private provider agreement with or issues an authorization certificate, original or renewal, to a private provider requesting to perform fingerprinting and demographic data collection under this chapter, the private provider shall:

(1) Submit a written application to the Central Repository in a format established by the Central Repository;

(2) Provide the Central Repository with documentation indicating that the private provider or the private provider's staff has at least 5 cumulative years providing fingerprinting services and demographic data collection;

(3) Demonstrate the ability to electronically transmit fingerprint images and demographic data using a secure encrypted connection that meets requirements set forth in the Network Livescan Applicant Technical Interface Document maintained by the Central Repository;

(4) Demonstrate compliance with requirements under Regulation .05 of this chapter for the location where Central Repository authorized fingerprinting services and demographic data collection are performed;

(5) Provide documents to support the existence of a current surety bond as provided under Regulation .09 of this chapter; and

(6) Demonstrate that a criminal history records check was performed on the private provider's employee as required under Regulation .08 of this chapter.

C. The Central Repository shall issue an authorization certificate to a private provider meeting the requirements of this chapter that:

(1) Is valid for 3 years from the date of issuance, unless suspended by the Central Repository; and

(2) May be renewed every 3 years upon application by a private provider, unless the Central Repository has suspended the authorization certificate.

D. A private provider shall notify the Central Repository within 10 business days of a change in the information submitted as part of an original or renewal application under this chapter.

E. A private provider issued an authorization certificate under this chapter shall display the certificate at the location where the fingerprinting services and demographic data collection are performed.

COMAR 12.15.05.05

.05 Private Provider Business Location Requirements.

Maryland Regulations Currentness_Title 12 Department of Public Safety and Correctional Services _Subtitle 15 Criminal Justice Information System Central Repository _Chapter 01 Implementation of the Criminal Justice Information System Statute

A. Before the Central Repository enters into a private provider agreement with or issues an original or renewal authorization certificate to a private provider, the Central Repository shall review a private provider's location plan.

B. A private provider's location plan, at a minimum, shall have:

- (1) A Livescan machine that is approved by the Central Repository;
- (2) A waiting area that, at a minimum, includes:
 - (a) A reception desk; and
 - (b) Seating for individuals requesting a criminal history records check;
- (3) A method of securing and maintaining records that meets Central Repository requirements; and
- (4) Electronic connections, electric power supply, and office climate control that meet manufacturer and Central Repository requirements.

COMAR 12.15.05.06

.06 Records.

A. A private provider authorized to perform fingerprinting services and demographic data collection under this chapter shall:

- (1) Retain records related to a request for a criminal history records check for 90 days from the date of the request; and
- (2) Then destroy the records.

B. Records, at a minimum, include the following for the individual being fingerprinted and supplying demographic data:

- (1) An identification number;
- (2) The individual's name and address;
- (3) The date that the individual was fingerprinted and provided the demographic data;

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

- (4) A copy of a driver's license or other acceptable identification;
- (5) The processing control number;
- (6) The fingerprint image;
- (7) The type of transaction;
- (8) The authorization number;
- (9) The matrix code associated with transaction;
- (10) A record of fees collected; and
- (11) A record of payment to the Central Repository.

C. A private provider shall ensure confidentiality of records that are stored and destroyed according to requirements of this chapter.

D. Records are subject to inspection by the Central Repository or the FBI.

E. A private provider may not receive CHRI.

COMAR 12.15.05.07

.07 Fees.

A. A private provider shall collect fees as specified under COMAR 12.15.01.14 for performing fingerprinting services and demographic data collection for non-criminal justice purposes on behalf of the Central Repository.

B. The Central Repository shall submit a monthly invoice to each private provider for requests for criminal history records checks processed by the private provider and submitted to the Central Repository during the preceding month.

C. Upon receipt of the invoice under §B of this regulation, the private provider shall forward payment to the Central Repository within 7 business days of receipt of the invoice.

D. A private provider may charge fees for providing fingerprinting services and demographic data collection in

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

addition to fees as specified under COMAR 12.15.01.15.

E. If a private provider charges fees in addition to those required under COMAR 12.15.01.15, the private provider shall:

(1) Identify, report, and control the additional fees separately from those required to be collected by the Central Repository under COMAR 12.15.01.15; and

(2) Include in any public notice of the availability of fingerprinting services and demographic data collection for non-criminal justice purposes:

(a) The fees required under COMAR 12.15.01.15; and

(b) The additional fees charged by the private provider.

COMAR 12.15.05.08

.08 Criminal History Records Check for Private Provider Employees.

A. As part of the application for an original or renewal authorization certificate, a private provider shall include the fingerprints and demographic data for each individual performing or supervising fingerprinting services and demographic data collection authorized under this chapter.

B. The Central Repository shall conduct a criminal history records check of each individual identified by the private provider as performing or supervising fingerprinting services or demographic data collection authorized under this chapter.

C. The Central Repository may consider CHRI received under §B of this regulation when determining:

(1) To authorize a private provider to perform fingerprinting services and demographic data collection under this chapter; or

(2) The conditions of the private provider agreement.

COMAR 12.15.05.09

.09 Surety Bond.

A. A private provider requesting authorization to perform fingerprinting services and demographic data collection for non-criminal justice purposes shall have a surety bond of \$10,000, in a form approved by the Central Repository.

Complete through Maryland Register Vol. 41, Issue 8, dated April 18, 2014.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

B. A private provider shall provide the Central Repository with:

- (1) A certificate from the bonding company listing the individuals of the private provider's company who are covered by the bond;
- (2) An agreement from the bonding company that the bonding company shall give the Central Repository at least 60 days' notice by registered or certified mail of cancellation of the private provider's bond; and
- (3) As part of the agreement under §B(2) of this regulation, written assurance that the bond will be in full force and effect for a period of at least 60 days after notice of cancellation is given to the Central Repository.

C. The bond value shall increase to 10 percent of the total amount invoiced to the private provider the previous fiscal year if the invoiced amount exceeded \$100,000.

D. After an original or renewal authorization certificate is issued, the private provider shall maintain the required surety bond throughout the period the private provider is authorized to perform fingerprinting services and demographic data collection for non-criminal justice purposes under this chapter.

COMAR 12.15.05.10

.10 Suspension of an Authorization Certificate.

A. The Central Repository may suspend an authorization certificate granted under this chapter, if the Central Repository determines that the private provider:

- (1) Perpetrated a fraud against the Central Repository or the public;
- (2) Created the impression that the private provider is associated with or is a part of the Central Repository or another State agency;
- (3) Conducted business in a manner that is detrimental to the interests of the Central Repository, the State, or the public;
- (4) Has not met the administrative or operational requirements for authorization under this chapter;
- (5) Has more than a 2 percent rejection rate of fingerprint impressions as determined by the Central Repository or FBI; or
- (6) Failed to forward payments to the Central Repository as required under this chapter.

B. The private provider may reapply for an authorization certificate after 6 months from the date of a suspension.

Maryland Regulations Currentness Title 12 Department of Public Safety and Correctional Services Subtitle 15 Criminal Justice Information System Central Repository Chapter 01 Implementation of the Criminal Justice Information System Statute

COMAR T. 12, Subt. 15, Ch. 05, Administrative History