

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 110
Economic Matters

(Delegate Barkley, *et al.*)

Education, Health, and Environmental Affairs

Alcoholic Beverages - Criminal History Records Checks - Procedures

This bill requires the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services (the Central Repository) to provide local alcoholic beverages licensing boards with a revised printed criminal record statement of an alcoholic beverages license applicant or license holder if information is reported to the Central Repository after the initial criminal history records check is completed. Additionally, the Central Repository is required to stop providing a local licensing board with revised statements if the board informs the Central Repository that an individual is no longer an alcoholic beverages license applicant or license holder.

In addition, the bill details standard procedures for a local licensing board to obtain State and national criminal history records checks from the Central Repository, including fingerprinting, application processes and fees, and the storage, dissemination, and disposal of reports provided by the Central Repository.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: None. The Central Repository provides this information to authorized entities as a part of its regular operations.

Local Effect: None. The bill will not affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Generally, local alcoholic beverages licensing boards may obtain criminal records of any alcoholic beverages license applicant from the Central Repository and from other law enforcement agencies (where applicable). Some boards may require an applicant to be fingerprinted and forward these fingerprints to the Central Repository for transmittal to the Federal Bureau of Investigation for a national criminal records check, and some boards may set fees to cover the cost of obtaining fingerprints and State and national criminal records.

Several local alcoholic beverages licensing boards vary on whether or not the above provisions apply to applicants for license renewal. Additionally, the various local boards have different requirements as to who can access the criminal records obtained from the Central Repository and other law enforcement agencies, and how these records must be stored and disposed of.

Background: According to the Comptroller's Alcohol and Tobacco Tax Annual Report for fiscal 2011, the State has 7,011 active alcoholic beverages licensees.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Carroll, Cecil, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2012
ncs/hlb Revised - House Third Reader - March 23, 2012

Analysis by: Trevor S. Owen

Direct Inquiries to:

(410) 946-5510

(301) 970-5510