

HOUSE BILL 586

E4

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By: **Delegates Bartlett, Pena–Melnik, Barron, W. Fisher, Lehman, J. Lewis, Lopez, Shetty, Washington, and R. Watson**

Introduced and read first time: January 27, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Criminal History Records Check – Fire Departments, Rescue**
3 **Squads, and Ambulance Services**

4 FOR the purpose of prohibiting a fire department, a rescue squad, or an ambulance service
5 from conducting a criminal history records check on an applicant or requiring the
6 applicant to disclose criminal records before the applicant's first in–person interview;
7 requiring each fire department, rescue squad, and ambulance service to establish a
8 peer review committee; establishing the duties of the peer review committee; and
9 generally relating to criminal history records checks for fire departments, rescue
10 squads, and ambulance services.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 6–306
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

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

18 **Article – Public Safety**

19 6–306.

20 (a) (1) Subject to Title 10, Subtitle 2 of the Criminal Procedure Article **AND**
21 **SUBSECTION (E) OF THIS SECTION**, a fire department or rescue squad of the State or a
22 political subdivision of the State, a volunteer fire company or rescue squad, or an
23 ambulance service licensed under § 13–515 of the Education Article may request the State
24 Fire Marshal or other authorized agency that has access to the Criminal Justice

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Information System Central Repository in the Department of Public Safety and Correctional Services to conduct [an initial] A criminal history records check on an applicant for employment or appointment as a volunteer or career firefighter, rescue squad member, or paramedic **AFTER THE APPLICANT'S FIRST IN-PERSON INTERVIEW.**

(2) The request shall be made on the form required by the State Fire Marshal.

(b) (1) An applicant for employment or appointment as a volunteer or career firefighter, rescue squad member, or paramedic shall provide a classifiable set of fingerprints in accordance with paragraphs (2) and (3) of this subsection:

(i) for submission to the Criminal Justice Information System Central Repository for a criminal history records check; and

(ii) for forwarding to the Federal Bureau of Investigation for a national criminal history records check.

(2) The applicant shall provide the fingerprints on a form approved by the Director of the Criminal Justice Information System Central Repository.

(3) (i) On request of the State Fire Marshal or an appropriate authority designated by rule of the State Fire Marshal, the applicant shall provide the fingerprints to the State Fire Marshal or the designated authority.

(ii) In a jurisdiction that has designated an assistant State fire marshal, on request of the assistant State fire marshal an applicant in the jurisdiction shall provide the fingerprints to the assistant State fire marshal.

(c) **[A] SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION,** A fire department or rescue squad operated by the State or a political subdivision of the State or a volunteer fire company or rescue squad may obtain conviction and arrest records produced by a criminal history records check based on a classifiable set of fingerprints.

(d) **[A] SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION,** A volunteer or career fire company or rescue squad may consider the existence of a criminal conviction in determining whether to employ or appoint an applicant.

(E) A FIRE DEPARTMENT, A RESCUE SQUAD, OR AN AMBULANCE SERVICE MAY NOT AT ANY TIME BEFORE THE FIRST IN-PERSON INTERVIEW:

(1) REQUIRE AN APPLICANT TO DISCLOSE WHETHER THE APPLICANT HAS A CRIMINAL RECORD OR HAS HAD CRIMINAL ACCUSATIONS BROUGHT AGAINST THE APPLICANT; OR

(2) CONDUCT A CRIMINAL HISTORY RECORDS CHECK OF THE

1 APPLICANT.

2 (F) (1) EACH FIRE DEPARTMENT, RESCUE SQUAD, AND AMBULANCE
3 SERVICE SHALL ESTABLISH A PEER REVIEW COMMITTEE.

4 (2) THE PEER REVIEW COMMITTEE SHALL:

5 (I) BE COMPOSED OF EMPLOYEES OF THE FIRE DEPARTMENT,
6 RESCUE SQUAD, OR AMBULANCE SERVICE;

7 (II) MEET WITH EACH APPLICANT FOR WHOM THE CRIMINAL
8 HISTORY RECORDS CHECK PRODUCES RECORDS OF A CONVICTION OR AN ARREST;

9 (III) ALLOW AN APPLICANT TO EXPLAIN THE APPLICANT'S
10 CRIMINAL CONVICTIONS OR ARRESTS BEFORE A DETERMINATION IS MADE
11 REGARDING EMPLOYMENT OR APPOINTMENT OF THE APPLICANT; AND

12 (IV) MAKE RECOMMENDATIONS TO THE FIRE DEPARTMENT,
13 RESCUE SQUAD, OR AMBULANCE SERVICE REGARDING EMPLOYMENT OR
14 APPOINTMENT OF AN APPLICANT WHO HAS MET WITH THE COMMITTEE REGARDING
15 A CRIMINAL HISTORY RECORDS CHECK.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2020.