

SENATE BILL 43

E4, C2

0lr0343

(PRE-FILED)

By: **Senator Simonaire**

Requested: July 14, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Licensing – Fingerprint Requirement**

3 FOR the purpose of exempting certain applicants for certain licenses from the requirement
4 to submit a set of fingerprints with the application if the applicant has submitted
5 certain fingerprints for a prior license application in the State; and generally relating
6 to fingerprint requirements for licenses.

7 BY adding to

8 Article – Business Occupations and Professions

9 Section 1–209

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2019 Supplement)

12 BY adding to

13 Article – Business Regulation

14 Section 1–211

15 Annotated Code of Maryland

16 (2015 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Public Safety

19 Section 5–107(b)(3), 5–108(c)(1), 5–117.1(f)(3), 5–305(c), and 11–106(b)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2019 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Public Safety

24 Section 5–117.1(f)(2) and 5–303

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Occupations and Professions**

4 **1–209.**

5 AN APPLICANT FOR A LICENSE UNDER THIS ARTICLE WHO HAS PREVIOUSLY
6 SUBMITTED A SET OF DIGITAL FINGERPRINTS AS PART OF A LICENSE APPLICATION
7 IN THE STATE IS EXEMPT FROM ANY REQUIREMENT TO SUBMIT A SET OF
8 FINGERPRINTS AS PART OF THE APPLICATION.

9 **Article – Business Regulation**

10 **1–211.**

11 AN APPLICANT FOR A LICENSE UNDER THIS ARTICLE WHO HAS PREVIOUSLY
12 SUBMITTED A SET OF DIGITAL FINGERPRINTS AS PART OF A LICENSE APPLICATION
13 IN THE STATE IS EXEMPT FROM ANY REQUIREMENT TO SUBMIT A SET OF
14 FINGERPRINTS AS PART OF THE APPLICATION.

15 **Article – Public Safety**

16 **5–107.**

17 (b) An application for a dealer’s license shall contain:

18 (3) a set of the applicant’s fingerprints, unless the fingerprints have been
19 submitted with a prior [year’s] application **FOR ANY LICENSE IN THE STATE**; and

20 **5–108.**

21 (c) As part of the application for a criminal history records check, the Secretary
22 shall submit to the Central Repository:

23 (1) two complete sets of the applicant’s legible fingerprints taken on forms
24 approved by the Director of the Central Repository and the Director of the Federal Bureau
25 of Investigation, **UNLESS THE FINGERPRINTS HAVE BEEN SUBMITTED WITH A PRIOR**
26 **APPLICATION FOR ANY LICENSE IN THE STATE**;

27 **5–117.1.**

28 (f) (2) The Secretary shall apply to the Central Repository for a State and
29 national criminal history records check for each applicant for a handgun qualification
30 license.

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

3 (i) a complete set of the applicant's legible fingerprints taken in a
4 format approved by the Director of the Central Repository and the Director of the Federal
5 Bureau of Investigation, **UNLESS THE FINGERPRINTS HAVE BEEN SUBMITTED WITH A**
6 **PRIOR APPLICATION FOR ANY LICENSE IN THE STATE;**

7 (ii) the fee authorized under § 10-221(b)(7) of the Criminal
8 Procedure Article for access to Maryland criminal history records; and

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

11 5-303.

12 A person shall have a permit issued under this subtitle before the person carries,
13 wears, or transports a handgun.

14 5-305.

15 (c) As part of the application for a criminal history records check, the Secretary
16 shall submit to the Central Repository:

17 (1) two complete sets of the applicant's legible fingerprints taken on forms
18 approved by the Director of the Central Repository and the Director of the Federal Bureau
19 of Investigation, **UNLESS THE FINGERPRINTS HAVE BEEN SUBMITTED WITH A PRIOR**
20 **APPLICATION FOR ANY LICENSE IN THE STATE;**

21 (2) the fee authorized under § 10-221(b)(7) of the Criminal Procedure
22 Article for access to Maryland criminal history records; and

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

25 11-106.

26 (b) As part of the application for a license or permit, the applicant shall submit to
27 the State Fire Marshal the fingerprints required under subsection (e)(3)(i) of this section
28 for each applicant and each officer, agent, or employee of the applicant who will be handling
29 explosives, **UNLESS THE FINGERPRINTS HAVE BEEN SUBMITTED WITH A PRIOR**
30 **APPLICATION FOR ANY LICENSE IN THE STATE.**

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