

5-565.

(a) In conformity with the following procedures, an individual may contest the finding of a criminal conviction, A PROBATION BEFORE JUDGMENT DISPOSITION, A NOT CRIMINALLY RESPONSIBLE DISPOSITION, or pending charge reported in a printed statement.

(b) In contesting the finding of a conviction, A PROBATION BEFORE JUDGMENT DISPOSITION, A NOT CRIMINALLY RESPONSIBLE DISPOSITION, or a pending charge, the individual shall contact the office of the Secretary, or a designee of the Secretary, and a hearing shall be convened within 20 workdays, unless subsequently waived by the individual. The Secretary, or a designee of the Secretary, shall render a decision regarding the appeal within 5 workdays of the hearing.

(c) For purposes of this Part VI of this subtitle, the record of a conviction, A PROBATION BEFORE JUDGMENT DISPOSITION, OR A NOT CRIMINALLY RESPONSIBLE DISPOSITION for a crime or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction OR DISPOSITION occurred, shall be conclusive evidence of the conviction OR DISPOSITION. In a case where a pending charge is recorded, documentation provided by a court to the Secretary, or a designee of the Secretary, that a pending charge for a crime which has not been finally adjudicated shall be conclusive evidence of the pending charge.

(d) Failure of the individual to appear at the scheduled hearing shall be considered grounds for dismissal of the appeal.

5-566.

(a) An individual who fails to disclose a conviction, A PROBATION BEFORE JUDGMENT DISPOSITION, A NOT CRIMINALLY RESPONSIBLE DISPOSITION, or the existence of pending charges for a criminal offense or attempted criminal offense as required under § 5-563 of this subtitle shall be guilty of perjury and upon conviction is subject to the penalty provided by law.

(b) Unless otherwise provided, a person who violates any provision of this Part VI of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

5-567.

The following persons or agencies shall have the immunity from civil or criminal liability described under § 5-361 of the Courts and Judicial Proceedings Article in connection with a criminal [background investigation] HISTORY RECORDS CHECK under this Part VI of this subtitle:

- (1) an employer;
- (2) a State or local agency; and
- (3) a local department of social services.