

BY adding to

Article - Health - General

Section 19-1801 through ~~19-1809 19-1813~~ 19-1812, inclusive, to be under the new subtitle "Subtitle 18. ~~Employees of Nursing Homes - Criminal Background Investigations~~ Adult Dependent Care Programs - Criminal History Records Checks and Background Checks"

Annotated Code of Maryland

(1990 Replacement Volume and 1995 Supplement)

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

Article - Courts and Judicial Proceedings

5-361.

(a) The following persons or agencies shall be immune from civil or criminal liability in connection with the conducting of a criminal background investigation under Title 5, Subtitle 5, Part VI of the Family Law Article OR A CRIMINAL HISTORY RECORDS CHECK UNDER TITLE 19, SUBTITLE 18, OF THE HEALTH - GENERAL ARTICLE:

(1) An employer that in good faith relies on a criminal background investigation OR CRIMINAL HISTORY RECORDS CHECK to deny or terminate an individual's employment or participation in a facility;

(2) A State or local agency that in good faith relies on a criminal background investigation of an employer to grant, deny, suspend, or revoke licensure, registration, approval, or certification of a facility;

(3) A local department of social services that in good faith relies on a criminal background investigation to make a decision concerning the placement of a child committed to it, including a decision to remove a child from a particular facility or home; and

(4) A State or local agency that in good faith participates in the making of a criminal background investigation of an employee or employer.

(b) The failure of an employer to require a criminal background investigation of an individual when not required under Title 5, Subtitle 5, Part VI of the Family Law Article OR A CRIMINAL HISTORY RECORDS CHECK UNDER TITLE 19, SUBTITLE 18, OF THE HEALTH - GENERAL ARTICLE may not give rise to civil or criminal liability on the part of the employer for failure to conduct a criminal background investigation.