

(6) REGULATE THE DEVELOPMENT AND CONTENT OF AGREEMENTS BETWEEN THE CENTRAL REPOSITORY AND CRIMINAL JUSTICE UNITS AND NONCRIMINAL JUSTICE UNITS; AND

(7) REGULATE THE DEVELOPMENT OF A FEE SCHEDULE AND PROVIDE FOR THE COLLECTION OF THE FEES FOR OBTAINING CRIMINAL HISTORY RECORD INFORMATION FOR OTHER THAN CRIMINAL JUSTICE PURPOSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 746(a) and (b)(1) through (6) and (8).

In subsection (a) of this section, the former reference to the Secretary adopting "appropriate" regulations is deleted as unnecessary in light of the use of the reference to adopting regulations "consistent with this subtitle" and in light of the comprehensive requirements regarding the adoption of regulations set forth in Title 10, Subtitle 1 of the State Government Article (Administrative Procedure Act - Regulations).

In subsection (a)(1) of this section, the former reference to "rules" is deleted as unnecessary in light of the reference to "regulations". See General Revisor's Note to article.

In subsection (a)(2) of this section, the former reference to "regulations" is deleted because the Court of Appeals is a unit in the Judicial Branch of State government and, therefore, is not subject to the provisions of Title 10, Subtitle 1 of the State Government Article (Administrative Procedure Act - Regulations), which applies, for the most part, to units in the Executive Branch of State government.

Also in subsection (a)(2) of this section, the former reference to "appropriate" rules is deleted as implied in the reference to "rules".

Former Art. 27, § 746(b)(7), which required the rules and regulations adopted by the Secretary or the Court or its Chief Judge to include "[g]overning the exercise of the rights of inspection and challenge provided for in §§ 751 through 755", is deleted as included in subsection (b)(4) of this section.

Former Art. 27, § 746(c), which required the "[r]ules and regulations adopted by the Secretary or the Court or its Chief Judge" to be consistent with the provisions of this subtitle, is deleted as included in subsection (a) of this section.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(2) of this section refers to the Chief Judge of the Court of Appeals adopting rules and regulations. Under Md. Constitution, Art. IV, § 18, rulemaking authority is given only to the Court of Appeals. The Chief Judge of the Court of Appeals has no express rulemaking authority.

Defined terms: "Central Repository" § 10-201

"Criminal history record information" § 10-201