

HB0994/333791/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 994
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through “action;” in line 12 and substitute “including on certain application forms a question or other request for information regarding whether the applicant for employment has a criminal record or has had criminal accusations brought against the applicant;”; strike beginning with “authorizing” in line 13 down through “relief;” in line 18; and in lines 19 and 20, strike “establishing certain penalties;” and substitute “requiring the Commissioner to issue a certain order under certain circumstances; authorizing the Commissioner to assess a certain civil penalty for certain violations of this Act under certain circumstances; requiring the Commissioner to consider certain factors in determining the amount of a certain penalty; subjecting the assessment of a certain penalty to certain requirements; providing for the construction of this Act;”.

On page 2, in line 2, strike “3-1406” and substitute “3-1405”.

AMENDMENT NO. 2

On page 4, in line 9, after “INCLUDES” insert “:

(I) A UNIT OF STATE OR LOCAL GOVERNMENT; AND

(II)”;

in line 20, before “THIS” insert “**(A)**”; in line 23, strike “FEDERAL, STATE, OR LOCAL” and substitute “**FEDERAL OR STATE**”; and after line 26, insert:

“(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO PREEMPT A LOCAL JURISDICTION FROM ENACTING OR ENFORCING A LAW THAT IS MORE

(Over)

RESTRICTIVE WITH RESPECT TO CRIMINAL RECORD SCREENING PRACTICES OF EMPLOYERS IN THE LOCAL JURISDICTION.

On page 5, in line 1, strike “(A)”; strike beginning with the comma in line 1 down through “APPLICANT” in line 14 and substitute “**INCLUDE ON A PAPER OR ELECTRONIC APPLICATION FORM A QUESTION OR OTHER REQUEST FOR INFORMATION REGARDING WHETHER THE APPLICANT HAS A CRIMINAL RECORD OR HAS HAD CRIMINAL ACCUSATIONS BROUGHT AGAINST THE APPLICANT**”; strike in their entirety lines 16 through 25, inclusive; and in line 30, strike “**3-1406.**” and substitute “**3-1405.**”.

On page 6, strike in their entirety lines 1 through 8, inclusive, and substitute:

“(A) IF THE COMMISSIONER DETERMINES THAT AN EMPLOYER HAS VIOLATED ANY PROVISION OF THIS SUBTITLE, THE COMMISSIONER:

(1) SHALL ISSUE AN ORDER COMPELLING COMPLIANCE; AND

(2) FOR A SUBSEQUENT VIOLATION, MAY, IN THE COMMISSIONER’S DISCRETION, ASSESS A CIVIL PENALTY OF UP TO \$300 FOR EACH APPLICANT FOR EMPLOYMENT OR EMPLOYEE WITH RESPECT TO WHOM THE EMPLOYER VIOLATED ANY PROVISION OF THIS SUBTITLE.

(B) IN DETERMINING THE AMOUNT OF THE PENALTY, IF ASSESSED, THE COMMISSIONER SHALL CONSIDER:

(1) THE GRAVITY OF THE VIOLATION;

(2) THE SIZE OF THE EMPLOYER’S BUSINESS;

(3) THE EMPLOYER'S GOOD FAITH; AND

**(4) THE EMPLOYER'S HISTORY OF VIOLATIONS UNDER THIS
SUBTITLE.**

**(C) THE ASSESSMENT OF A PENALTY UNDER SUBSECTION (A)(2) OF THIS
SECTION SHALL BE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF
TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**"