

Chapter 160

(Senate Bill 4)

AN ACT concerning

State Personnel – Applicants for Employment – Criminal History Records Checks

FOR the purpose of prohibiting certain appointing authorities in the Judicial, Executive, and Legislative branches of State government from inquiring into the criminal record or criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview; providing that this Act does not prohibit certain appointing authorities from notifying an applicant for employment of certain information; providing for certain exceptions; requiring the Department of Budget and Management to make certain reports to the General Assembly; providing for the termination of certain provisions of this Act; and generally relating to the conduct of criminal history records checks on applicants for employment in the Judicial, Executive, and Legislative branches of State government.

BY adding to

Article – State Personnel and Pensions

Section 2–203

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Article – State Personnel and Pensions

2–203.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO ALL EMPLOYEES IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES OF STATE GOVERNMENT.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A POSITION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; ~~OR~~

(2) A POSITION FOR WHICH AN APPOINTING AUTHORITY HAS A STATUTORY DUTY TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK; OR

(3) A POSITION IN THE OFFICE OF THE SHERIFF FOR ANY COUNTY.

(C) EXCEPT FOR A POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM FOR WHICH THE SECRETARY DETERMINES THAT THE SPECIFIC DUTIES AND RESPONSIBILITIES OF THE POSITION WOULD REQUIRE THE APPOINTING AUTHORITY TO KNOW AN APPLICANT'S CRIMINAL HISTORY, AN APPOINTING AUTHORITY MAY NOT INQUIRE INTO THE CRIMINAL RECORD OR CRIMINAL HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT HAS BEEN PROVIDED AN OPPORTUNITY FOR AN INTERVIEW.

(D) THIS SECTION DOES NOT PROHIBIT AN APPOINTING AUTHORITY FROM NOTIFYING AN APPLICANT FOR EMPLOYMENT THAT CERTAIN PRIOR CRIMINAL CONVICTIONS MAY PROHIBIT EMPLOYMENT IN SOME POSITIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

2–203.

(E) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, BY OCTOBER 1 OF EACH YEAR FOR THE PREVIOUS FISCAL YEAR ON:

(1) THE TOTAL NUMBER OF POSITIONS THAT HAVE BEEN FILLED IN THE STATE PERSONNEL MANAGEMENT SYSTEM; AND

(2) THE NUMBER OF POSITIONS THAT HAVE BEEN DESIGNATED AS EXCEPTIONS BY THE SECRETARY UNDER SUBSECTION (C) OF THIS SECTION, BY AGENCY AND POSITION CLASSIFICATION.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2013. It shall remain effective for a period of 4 years and 9 months and, at the end of June 30, 2018, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, ~~except as provided in Section 3 of this Act,~~ this Act shall take effect October 1, 2013.

Approved by the Governor, May 2, 2013.