SENATE BILL 4

P4 3lr0634 SB 671/12 – FIN (PRE–FILED) CF 3lr0635

By: Senator Pugh

Requested: October 25, 2012

Introduced and read first time: January 9, 2013

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: January 22, 2013

CHAPTER _____

1 AN ACT concerning

2 State Personnel – Applicants for Employment – Criminal History Records Checks

- 4 FOR the purpose of prohibiting certain appointing authorities in the Judicial, 5 Executive, and Legislative branches of State government from inquiring into 6 the criminal record or criminal history of an applicant for employment until the 7 applicant has been provided an opportunity for an interview; providing that this 8 Act does not prohibit certain appointing authorities from notifying an applicant 9 for employment of certain information; providing for certain exceptions; 10 requiring the Department of Budget and Management to make certain reports 11 to the General Assembly; providing for the termination of certain provisions of 12 this Act; and generally relating to the conduct of criminal history records checks on applicants for employment in the Judicial, Executive, and Legislative 13 branches of State government. 14
- 15 BY adding to
- 16 Article State Personnel and Pensions
- 17 Section 2–203
- 18 Annotated Code of Maryland
- 19 (2009 Replacement Volume and 2012 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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Article - State Personnel and Pensions

- 2 **2–203.**
- 3 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT
- 4 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO
- 5 ALL EMPLOYEES IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES
- 6 OF STATE GOVERNMENT.
- 7 (B) THIS SECTION DOES NOT APPLY TO:
- 8 (1) A POSITION IN THE DEPARTMENT OF PUBLIC SAFETY AND
- 9 CORRECTIONAL SERVICES; OR
- 10 (2) A POSITION FOR WHICH AN APPOINTING AUTHORITY HAS A
- 11 STATUTORY DUTY TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK.
- 12 (C) EXCEPT FOR A POSITION IN THE STATE PERSONNEL MANAGEMENT
- 13 SYSTEM FOR WHICH THE SECRETARY DETERMINES THAT THE SPECIFIC DUTIES
- 14 AND RESPONSIBILITIES OF THE POSITION WOULD REQUIRE THE APPOINTING
- 15 AUTHORITY TO KNOW AN APPLICANT'S CRIMINAL HISTORY, AN APPOINTING
- 16 AUTHORITY MAY NOT INQUIRE INTO THE CRIMINAL RECORD OR CRIMINAL
- 17 HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT HAS BEEN
- 18 PROVIDED AN OPPORTUNITY FOR AN INTERVIEW.
- 19 (D) THIS SECTION DOES NOT PROHIBIT AN APPOINTING AUTHORITY
- 20 FROM NOTIFYING AN APPLICANT FOR EMPLOYMENT THAT CERTAIN PRIOR
- 21 CRIMINAL CONVICTIONS MAY PROHIBIT EMPLOYMENT IN SOME POSITIONS.
- SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
- 23 read as follows:
- 24 Article State Personnel and Pensions
- 25 2–203.
- 26 (E) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN
- 27 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY
- 28 OCTOBER 1 OF EACH YEAR FOR THE PREVIOUS FISCAL YEAR ON:
- 29 (1) THE TOTAL NUMBER OF POSITIONS THAT HAVE BEEN FILLED
- 30 IN THE STATE PERSONNEL MANAGEMENT SYSTEM; AND

1 2	(2) THE NUMBER OF POSITIONS THAT HAVE BEEN DESIGNATED AS EXCEPTIONS BY THE SECRETARY UNDER SUBSECTION (C) OF THIS SECTION, BY
3	AGENCY AND POSITION CLASSIFICATION.
4 5 6 7 8	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.
9 10	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:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.