

SENATE BILL 804

C2, J2, P1

6lr1803

By: **Senator Pugh**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Occupational Licensing of Ex–Offenders – Transfer of**
3 **Statutory Provisions**

4 FOR the purpose of transferring from the Criminal Procedure Article to the State
5 Government Article provisions of law prohibiting the denial by certain departments
6 of State government of an occupational license to an ex–offender solely on a certain
7 basis unless a certain determination, based on certain factors, is made.

8 BY transferring

9 Article – Criminal Procedure

10 Section 1–209

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2015 Supplement)

13 to be

14 Article – State Government

15 Section 8–506

16 Annotated Code of Maryland

17 (2014 Replacement Volume and 2015 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – State Government

20 Section 8–506

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2015 Supplement)

23 (As enacted by Section 1 of this Act)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That Section(s) 1–209 of Article – Criminal Procedure of the Annotated Code of Maryland
26 be transferred to be Section(s) 8–506 of Article – State Government of the Annotated Code
27 of Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Government**

4 8–506.

5 (a) (1) In this section, “department” means:

6 (i) the Department of Agriculture;

7 (ii) the Department of the Environment;

8 (iii) the Department of Health and Mental Hygiene;

9 (iv) the Department of Human Resources;

10 (v) the Department of Labor, Licensing, and Regulation; or

11 (vi) the Department of Public Safety and Correctional Services.

12 (2) “Department” includes any unit of a department specified in paragraph
13 (1) of this subsection.

14 (b) This section does not apply to a person who was previously convicted of a crime
15 of violence, as defined in § 14–101 of the Criminal Law Article.

16 (c) It is the policy of the State to encourage the employment of nonviolent
17 ex–offenders and remove barriers to their ability to demonstrate fitness for occupational
18 licenses or certifications required by the State.

19 (d) A department may not deny an occupational license or certificate to an
20 applicant solely on the basis that the applicant has previously been convicted of a crime,
21 unless the department determines that:

22 (1) there is a direct relationship between the applicant’s previous
23 conviction and the specific occupational license or certificate sought; or

24 (2) the issuance of the license or certificate would involve an unreasonable
25 risk to property or to the safety or welfare of specific individuals or the general public.

26 (e) In making the determination under subsection (d) of this section, the
27 department shall consider:

28 (1) the policy of the State expressed in subsection (c) of this section;

1 (2) the specific duties and responsibilities required of a licensee or
2 certificate holder;

3 (3) whether the applicant's previous conviction has any impact on the
4 applicant's fitness or ability to perform the duties and responsibilities authorized by the
5 license or certificate;

6 (4) the age of the applicant at the time of the conviction and the amount of
7 time that has elapsed since the conviction;

8 (5) the seriousness of the offense for which the applicant was convicted;

9 (6) other information provided by the applicant or on the applicant's behalf
10 with regard to the applicant's rehabilitation and good conduct; and

11 (7) the legitimate interest of the department in protecting property and the
12 safety and welfare of specific individuals or the general public.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2016.