By: Senator Smith  
Introduced and read first time: February 3, 2020  
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning


FOR the purpose of prohibiting certain entities from requiring the disclosure of a conviction that the Governor pardoned in an application, interview, or other means; providing that a person need not refer to a conviction that the Governor pardoned when answering certain questions; prohibiting an educational institution from refusing a person’s admission solely for the reason of refusing to disclose certain information; prohibiting a private entity from disclosing information relating to a certain conviction or certain records; applying certain penalties; and generally relating to disclosure of information and expungement.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–109

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

Article – Criminal Procedure

10–109.

(a) (1) Disclosure of A CONVICTION THAT THE GOVERNOR PARDONED OR expunged information about criminal charges in an application, interview, or other means may not be required:

(i) by an employer or educational institution of a person who applies for employment or admission; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.
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(ii) by a unit, official, or employee of the State or a political subdivision of the State of a person who applies for a license, permit, registration, or governmental service.

(2) A person need not refer to or give information concerning A CONVICTION THAT THE GOVERNOR PARDONED OR an expunged charge when answering a question concerning:

(i) a criminal charge that did not result in a conviction; or

(ii) a conviction that the Governor pardoned.

(3) Refusal by a person to disclose information about A CONVICTION THAT THE GOVERNOR PARDONED OR criminal charges that have been expunged may not be the sole reason for:

(i) an employer to discharge or refuse to hire the person; [or]

(ii) a unit, official, or employee of the State or a political subdivision of the State to deny the person’s application; OR

(III) AN EDUCATIONAL INSTITUTION TO REFUSE A PERSON’S ADMISSION.

(B) A PRIVATE ENTITY MAY NOT DISCLOSE INFORMATION RELATING TO A CONVICTION THAT THE GOVERNOR PARDONED OR RECORDS THAT HAVE BEEN EXPUNGED UNDER THIS SUBTITLE.

[(b)] (C) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000 or imprisonment not exceeding 1 year or both for each violation.

(2) In addition to the penalties provided in paragraph (1) of this subsection, an official or employee of the State or a political subdivision of the State who is convicted under this section may be removed or dismissed from public service.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.