![RACIAL EQUITY IMPACT NOTE — DEPARTMENT OF LEGISLATIVE SERVICES — MARYLAND · GENERAL · ASSEMBLY]

2025 Session
HB0482

Occupational Licensing and Certification - Criminal History - Predetermination Review Process

Bill Summary

This bill establishes a predetermination review process under which an individual can request that certain State agencies review the individual's criminal history to determine whether that criminal history would disqualify the individual from obtaining an occupational license or certification being sought from the agency.

Racial Equity Impact Statement

The bill adds provisions to the professional licensure and certification process that would reduce impediments for individuals with previous convictions or other contacts with the criminal justice system when those individuals apply for occupational licensing and certification. These provisions potentially benefit Black applicants who were previously incarcerated to the greatest extent. There is no data currently available to estimate the extent of the impacts. The magnitude of the bill's impact on applicants with a criminal history would depend on the level of increased applicant activity and implementation by the applicable departments.

Analysis

In furtherance of existing State policy to encourage the employment of nonviolent ex-offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications, the bill establishes a predetermination process for applicants. This process allows ex-offenders to request specified agencies to review their criminal record and make a preliminary determination as to whether the applicant would be approved or denied a license or certification. The agency must advise any applicant that would be denied of any potential ways to remedy the

reason(s) for disqualification. Any applicant previously denied under the predetermination process may reapply either one year later or upon completion of any remedial actions recommended by the agency. The bill also allows an agency to charge a criminal history review fee of up to $100 but includes provisions to waive the fee if the applicant meets specified income requirements. The bill also repeals the blanket prohibition on sex offenders from receiving licenses and certification from the agencies covered under the bill and removes the Department of Public Safety and Correctional Services (DPSCS) from its requirements.

The bill applies to all units of the Maryland Department of Agriculture; the Maryland Department of the Environment; the Maryland Department of Health (MDH); the Department of Human Services; and the Maryland Department of Labor (MD Labor). These agencies issue an array of occupational and professional licenses across a wide spectrum of industries, from home improvement contractors to nurses to well drillers. Under existing law, with the exception of individuals previously convicted of crimes of violence or sex offenses for which registration on the sex offender registry is required, agencies cannot deny applications for licenses and certifications solely on the basis of a prior conviction. An exception to this general rule is if (1) the agency determines that there is a direct relationship between the previous conviction and the specific license or certification sought or (2) issuance would involve an unreasonable risk to property or to the safety of specific individuals or the general public. Despite the aforementioned exceptions, ex-offenders who have not reoffended in the previous seven years may not be denied an occupational license or certification solely on the basis of a previous conviction.

Groups Affected by the Bill

The bill impacts individuals with previous criminal records, including both those who were not sentenced to incarceration and those who were previously incarcerated and are in various stages of reentry into society. Updated statistics from DPSCS show that in fiscal 2023, 3,355 inmates were released from incarceration on parole and 3,276 were released on probation. Another nearly 24,000 individuals were never incarcerated but instead placed on probation after a conviction and sentencing. Black ex-offenders are significantly overrepresented in the post-incarceration population, accounting for 59% of the population under supervision by the Division of Parole and Probation in fiscal 2023.

Nature of the Impact

A significant challenge for individuals post-sentence and post-incarceration is securing employment. Previous research has detailed the collateral consequences to having a criminal record that often exacerbate the challenges of social reintegration following imprisonment. Even individuals convicted of criminal charges that do not face imprisonment may still see significant adverse effects as a result of having a criminal record. These adverse effects include reduced access to housing, public services, voting, holding public office, employment opportunities, and professional licensure. The U.S. Bureau of Labor Statistics reports that roughly 25% of civilian workers in 2022 had employment which required professional certification or licensure. Accordingly, those denied these licenses and certification due to the disclosure of their criminal history may face significant barriers to factors that aid in successful social reentry and deter against recidivism. Existing patterns of racial disparity and disproportionality in the State's inmate population indicate the bill may have a positive impact on those who were previously incarcerated.

In particular, Black individuals would likely be impacted to the greatest extent given their overrepresentation in the State's incarcerated population.

Licensing and Certification Data Regarding Individuals with Criminal Records

Data on the applicant pools for licensing and certification is limited. Chapter 796 of 2018 required the departments covered under this bill to report to the Governor and the General Assembly information related to the denial of licenses or certificates for the preceding five years based on an applicant's criminal history. While some of the departments covered under Chapter 796 reported little to no data, MD Labor and MDH reported that less than 1% of the applicants for various licenses were individuals with criminal histories.

Conclusion

The bill's provisions expanding potential eligibility for certain ex-offenders, establishing a predetermination of eligibility process, and providing an opportunity for applicants to take remedial actions to obtain eligibility will likely increase the number of successful applicants for licenses and certifications covered by the bill. Black individuals could likely benefit the most from the bill due to their overrepresentation in the ex-offender population. To the extent that these individuals successfully apply for occupational licenses and/or certification, the bill would increase the likelihood of successful reentry into the general population. There is no way to reliably measure the impact of the bill without demographic data for applicants to the agencies covered by the bill and prospective data on those individuals who would be newly eligible to apply for licensure and certification under the bill.
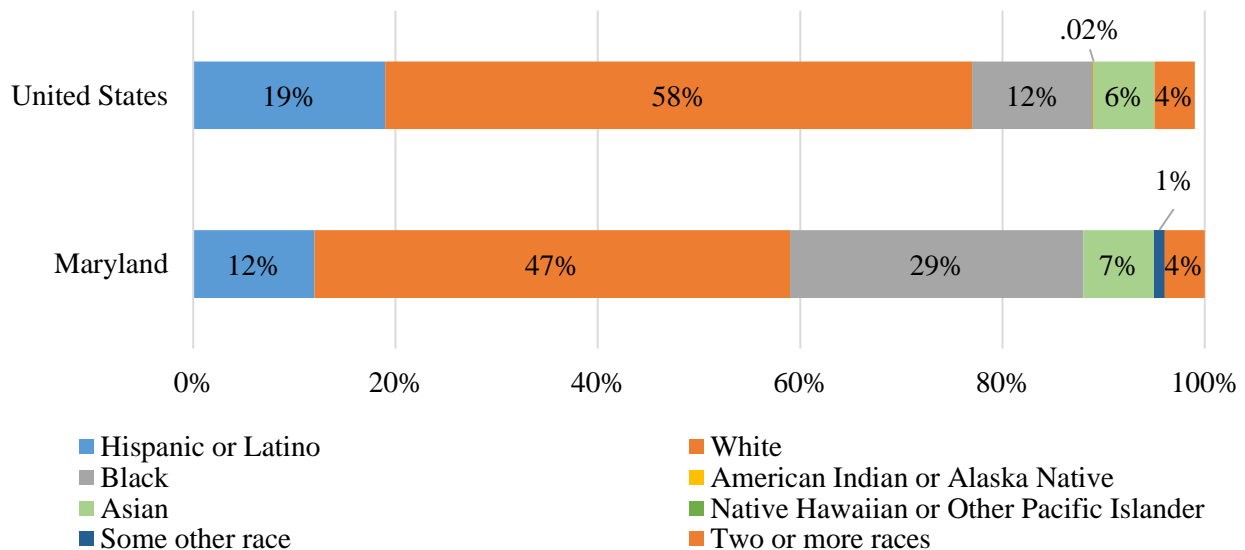
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland's 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland's racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as "other" and "multiracial" (*i.e.*, two or more racial identities), which total 5% of the State's population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report "white" as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State's population.

Compared to the U.S. population overall, Maryland's population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau's Diversity Index. As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland's Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State's overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State's population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020

	Hispanic or Latino	White	Black	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Some other race	Two or more races
United States	19%	58%	12%	.02%	6%			4%
Maryland	12%	47%	29%		7%		1%	4%

Legend:
- Hispanic or Latino
- Black
- Asian
- Some other race
- White
- American Indian or Alaska Native
- Native Hawaiian or Other Pacific Islander
- Two or more races

Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.