

EMERGENCY BILL

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7r3090

CF 7r3089

By: Senator Collins

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 10, 1997

Rule 32(a) suspended

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation - Denial, Suspension, or Revocation of**
3 **Licenses on Conviction of Certain Crimes**

4 FOR the purpose of authorizing any unit within the Department of Labor, Licensing, and
5 Regulation to deny an application for a license or renewal of a license or to suspend
6 or revoke a license if the applicant or licensee is convicted of a felony or crime of
7 moral turpitude; establishing certain factors to be considered in determining
8 whether to deny, renew, suspend, or revoke a license; providing for notice and an
9 opportunity for a hearing under certain circumstances; providing for the application
10 of this Act; and making this Act an emergency measure.

11 BY adding to

12 Article - Business Regulation
13 Section 2-111
14 Annotated Code of Maryland
15 (1992 Volume and 1996 Supplement)

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

18 **Article - Business Regulation**

19 2-111.

20 (A) IN ADDITION TO ANY OTHER GROUNDS FOR DENIAL, SUSPENSION, OR
21 REVOCATION OF A LICENSE OR RENEWAL OF A LICENSE PROVIDED ELSEWHERE IN
22 THE CODE, ANY UNIT IN THE DEPARTMENT MAY DENY A LICENSE OR RENEWAL OF
23 A LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT
24 OR LICENSEE IS CONVICTED OF A FELONY OR CRIME OF MORAL TURPITUDE.

25 (B) THE FOLLOWING FACTORS SHALL BE CONSIDERED IN DETERMINING
26 WHETHER TO DENY, RENEW, SUSPEND, OR REVOKE A LICENSE IF AN APPLICANT OR
27 LICENSEE IS CONVICTED OF A FELONY OR CRIME OF MORAL TURPITUDE:

28 (1) THE NATURE OF THE CRIME;

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1 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES
2 AUTHORIZED BY THE LICENSE;

3 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
4 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PERFORM THE PROFESSION
5 OR OCCUPATION AUTHORIZED BY THE LICENSE;

6 (4) ANY OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
7 BEEN CONVICTED;

8 (5) THE LENGTH OF TIME SINCE THE CONVICTION; AND

9 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
10 BEFORE AND AFTER THE CONVICTION.

11 (C) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
12 GOVERNMENT ARTICLE, BEFORE A UNIT IN THE DEPARTMENT TAKES ANY FINAL
13 ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE PERSON
14 AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING.

15 (D) THE UNIT SHALL GIVE NOTICE AND HOLD THE HEARING IN
16 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
18 licenses issued by a unit in the Department of Labor, Licensing, and Regulation, and to
19 all license applications and renewal applications received by a unit in the Department on
20 or after the effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health and safety, has
23 been passed by a ye and nay vote supported by three-fifths of all the members elected to
24 each of the two Houses of the General Assembly, and shall take effect from the date it is
25 enacted.