

EMERGENCY BILL

C2

7r3090

CF 7r3089

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**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

Re-referred to: Economic and Environmental Affairs, March 14, 1997

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 1997

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CHAPTER \_\_\_\_

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:

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1           **Article - Business Regulation**

2 2-111.

3           (A) IN ADDITION TO ANY OTHER GROUNDS FOR DENIAL, SUSPENSION, OR  
4 REVOCATION OF A LICENSE OR RENEWAL OF A LICENSE PROVIDED ELSEWHERE IN  
5 THE CODE, ANY UNIT IN THE DEPARTMENT MAY DENY A LICENSE OR RENEWAL OF  
6 A LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT  
7 OR LICENSEE IS CONVICTED OF A FELONY OR CRIME OF MORAL TURPITUDE.

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

11                   (1) THE NATURE OF THE CRIME;

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

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

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

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

20                   (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE  
21 BEFORE AND AFTER THE CONVICTION.

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

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

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

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

