

SENATE BILL 4

P4

(3lr0634)

ENROLLED BILL
— Finance/Appropriations —

Introduced by **Senator Pugh**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Applicants for Employment – Criminal History Records**
3 **Checks**

4 FOR the purpose of prohibiting certain appointing authorities in the Judicial,
5 Executive, and Legislative branches of State government from inquiring into
6 the criminal record or criminal history of an applicant for employment until the
7 applicant has been provided an opportunity for an interview; providing that this
8 Act does not prohibit certain appointing authorities from notifying an applicant
9 for employment of certain information; providing for certain exceptions;
10 requiring the Department of Budget and Management to make certain reports
11 to the General Assembly; providing for the termination of certain provisions of
12 this Act; and generally relating to the conduct of criminal history records checks
13 on applicants for employment in the Judicial, Executive, and Legislative
14 branches of State government.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
 2 Article – State Personnel and Pensions
 3 Section 2–203
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2012 Supplement)

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

8 **Article – State Personnel and Pensions**

9 **2–203.**

10 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT
 11 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO
 12 ALL EMPLOYEES IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES
 13 OF STATE GOVERNMENT.

14 (B) THIS SECTION DOES NOT APPLY TO:

15 (1) A POSITION IN THE DEPARTMENT OF PUBLIC SAFETY AND
 16 CORRECTIONAL SERVICES; ~~OR~~

17 (2) A POSITION FOR WHICH AN APPOINTING AUTHORITY HAS A
 18 STATUTORY DUTY TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK; OR

19 (3) A POSITION IN THE OFFICE OF THE SHERIFF FOR ANY COUNTY.

20 (C) EXCEPT FOR A POSITION IN THE STATE PERSONNEL MANAGEMENT
 21 SYSTEM FOR WHICH THE SECRETARY DETERMINES THAT THE SPECIFIC DUTIES
 22 AND RESPONSIBILITIES OF THE POSITION WOULD REQUIRE THE APPOINTING
 23 AUTHORITY TO KNOW AN APPLICANT’S CRIMINAL HISTORY, AN APPOINTING
 24 AUTHORITY MAY NOT INQUIRE INTO THE CRIMINAL RECORD OR CRIMINAL
 25 HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT HAS BEEN
 26 PROVIDED AN OPPORTUNITY FOR AN INTERVIEW.

27 (D) THIS SECTION DOES NOT PROHIBIT AN APPOINTING AUTHORITY
 28 FROM NOTIFYING AN APPLICANT FOR EMPLOYMENT THAT CERTAIN PRIOR
 29 CRIMINAL CONVICTIONS MAY PROHIBIT EMPLOYMENT IN SOME POSITIONS.

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

32 **Article – State Personnel and Pensions**

1 2-203.

2 (E) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN
 3 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY
 4 OCTOBER 1 OF EACH YEAR FOR THE PREVIOUS FISCAL YEAR ON:

5 (1) THE TOTAL NUMBER OF POSITIONS THAT HAVE BEEN FILLED
 6 IN THE STATE PERSONNEL MANAGEMENT SYSTEM; AND

7 (2) THE NUMBER OF POSITIONS THAT HAVE BEEN DESIGNATED AS
 8 EXCEPTIONS BY THE SECRETARY UNDER SUBSECTION (C) OF THIS SECTION, BY
 9 AGENCY AND POSITION CLASSIFICATION.

10 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
 11 take effect October 1, 2013. It shall remain effective for a period of 4 years and 9
 12 months and, at the end of June 30, 2018, with no further action required by the
 13 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
 14 effect.

15 SECTION 4. AND BE IT FURTHER ENACTED, That, ~~except as provided in~~
 16 ~~Section 3 of this Act,~~ this Act shall take effect October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.