

HOUSE BILL 1309

P4

4lr2458

By: **Delegates Smigiel, Jacobs, and Otto**

Introduced and read first time: February 7, 2014

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 27, 2014

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of exempting certain positions in the Department of Health and
5 Mental Hygiene from a certain provision of law that prohibits certain
6 appointing authorities in State government from inquiring into the criminal
7 record or criminal history of an applicant for employment until the applicant
8 has been provided an opportunity for an interview; and generally relating to the
9 authority of an appointing authority to inquire into the criminal record or
10 criminal history of an applicant for employment with the Department of Health
11 and Mental Hygiene.

12 BY repealing and reenacting, with amendments,
13 Article – State Personnel and Pensions
14 Section 2–203
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2013 Supplement)

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

19 **Article – State Personnel and Pensions**

20 2–203.

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.



1 (a) Notwithstanding any other provision of law, and except as provided in
2 subsection (c) of this section, this section applies to all employees in the Judicial,
3 Legislative, and Executive branches of State government.

4 (b) This section does not apply to:

5 (1) a position in the Department of Public Safety and Correctional
6 Services;

7 (2) a position for which an appointing authority has a statutory duty
8 to conduct a criminal history records check; [or]

9 (3) a position in the office of the sheriff for any county; **OR**

10 (4) **A POSITION IN THE DEPARTMENT OF HEALTH AND MENTAL**
11 **HYGIENE THAT REQUIRES THE PROVISION OF DIRECT CARE TO INDIVIDUALS**
12 **WITH SERIOUS MENTAL ILLNESS.**

13 (c) Except for a position in the State Personnel Management System for
14 which the Secretary determines that the specific duties and responsibilities of the
15 position would require the appointing authority to know an applicant's criminal
16 history, an appointing authority may not inquire into the criminal record or criminal
17 history of an applicant for employment until the applicant has been provided an
18 opportunity for an interview.

19 (d) This section does not prohibit an appointing authority from notifying an
20 applicant for employment that certain prior criminal convictions may prohibit
21 employment in some positions.

22 (e) The Department shall report to the General Assembly, in accordance
23 with § 2-1246 of the State Government Article, by October 1 of each year for the
24 previous fiscal year on:

25 (1) the total number of positions that have been filled in the State
26 Personnel Management System; and

27 (2) the number of positions that have been designated as exceptions by
28 the Secretary under subsection (c) of this section, by agency and position classification.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2014.