

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 804 (Senator Pugh)

Education, Health, and Environmental Affairs
and Judicial Proceedings

Judiciary

**State Government - Occupational Licensing of Ex-Offenders - Transfer of
Statutory Provisions**

This bill transfers specified provisions relating to the licensing of ex-offenders from the Criminal Procedure Article to the State Government Article.

The bill takes effect June 1, 2016.

Fiscal Summary

State Effect: None. The bill is technical in nature and has no effect on State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The transferred provisions express that it is the policy of the State to encourage the employment of nonviolent ex-offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications required by the State.

Specified departments and each unit in the departments, except for when an applicant has been previously convicted of a “crime of violence,” may not deny an occupational license or certificate to an applicant solely on the basis that the applicant has previously been convicted of a crime, unless the department determines that:

- there is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought; or
- the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making the determination above, the department must consider:

- the policy of the State regarding employment of nonviolent ex-offenders;
- the specific duties and responsibilities required of a licensee or certificate holder;
- whether the applicant’s previous conviction has any impact on the applicant’s fitness or ability to perform the duties and responsibilities authorized by the license or certificate;
- the age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction;
- the seriousness of the offense for which the applicant was convicted;
- other information provided by the applicant or on the applicant’s behalf with regard to the applicant’s rehabilitation and good conduct; and
- the legitimate interest of the department in protecting property and the safety and welfare of specific individuals or the general public.

The specified departments are the Maryland Department of Agriculture; Maryland Department of the Environment; Department of Health and Mental Hygiene; Department of Human Resources; Department of Labor, Licensing, and Regulation; and Department of Public Safety and Correctional Services and each unit in the departments.

State law defines 24 distinct “crimes of violence,” including murder, rape, and child abuse in the first degree.

Background: The specified departments issue a wide array of occupational and professional licenses across the full spectrum of industries – from home improvement contractors to nurses to well drillers. The transferred provisions were enacted by Chapter 686 of 2009.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Public Safety and Correctional Services; Department of Legislative Services

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min/mcr

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