

# HOUSE BILL 440

D3, K3

7lr0765  
CF SB 55

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By: **Delegates Cassilly, Anderson, Arentz, Beitzel, Carozza, Fisher, Ghrist, Hayes, Hornberger, Lierman, Lisanti, Malone, McComas, McCray, McKay, Miele, W. Miller, Morgan, Patterson, Platt, Queen, Reznik, Rosenberg, Saab, Vogt, West, and Wivell**

Introduced and read first time: January 26, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Employers of Ex-Offenders – Liability for Negligent Hiring or Inadequate**  
3 **Supervision – Immunity**

4 FOR the purpose of establishing that certain employers are not liable for negligently hiring  
5 or failing to adequately supervise an employee based on evidence that the employee  
6 has received probation before judgment for an offense or has been convicted of an  
7 offense under certain circumstances; providing that this Act does not limit or  
8 abrogate certain other immunities or defenses; providing for the application of this  
9 Act; defining certain terms; and generally relating to immunity for employers of  
10 ex-offenders.

11 BY adding to  
12 Article – Courts and Judicial Proceedings  
13 Section 5-427  
14 Annotated Code of Maryland  
15 (2013 Replacement Volume and 2016 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 **5-427.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
21 **INDICATED.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



5 (II) "EMPLOYEE" DOES NOT INCLUDE A PERSON WHO  
6 CONTRACTS TO PERFORM WORK OR PROVIDE A SERVICE FOR THE BENEFIT OF  
7 ANOTHER AND WHO IS:

8                           1. PAID BY THE JOB, RATHER THAN BY THE HOUR OR  
9 SOME OTHER TIME-MEASURED BASIS;

19 (B) AN EMPLOYER MAY NOT BE HELD LIABLE FOR NEGLIGENTLY HIRING OR  
20 FAILING TO ADEQUATELY SUPERVISE AN EMPLOYEE BASED ON EVIDENCE THAT THE  
21 EMPLOYEE HAS RECEIVED PROBATION BEFORE JUDGMENT FOR AN OFFENSE OR  
22 HAS BEEN CONVICTED OF AN OFFENSE IF:

23 (1) THE EMPLOYEE HAS:

24 (I) COMPLETED THE TERM OF IMPRISONMENT OR PROBATION  
25 FOR THE OFFENSE; OR

**(II) BEEN RELEASED ON PAROLE FOR THE OFFENSE; AND**

27 (2) THE EMPLOYEE PERFORMS WORK FOR THE EMPLOYER:

## 28 (I) IN THE MANUFACTURING INDUSTRY:

### 4 (III) IN THE WAREHOUSING INDUSTRY;

5 (iv) **ON THE CONSTRUCTION OF NEW STRUCTURES; OR**

6 (v) ON THE REHABILITATION OR DEMOLITION OF UNOCCUPIED  
7 STRUCTURES.

8 (c) THIS SECTION DOES NOT LIMIT OR ABROGATE ANY IMMUNITY FROM  
9 CIVIL LIABILITY OR DEFENSE AVAILABLE TO A PERSON UNDER ANY OTHER  
10 PROVISION OF THE CODE OR AT COMMON LAW.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
12 apply only prospectively and may not be applied or interpreted to have any effect on or  
13 application to any cause of action arising before the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2017.