

# SENATE BILL 817

P3, C2, J2

2lr2799

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By: **Senator Jackson**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Employment of Previously Convicted Individuals – State Agencies and Youth**  
3 **Camps**

4 FOR the purpose of prohibiting a certain State agency from declining to hire an applicant  
5 solely on the basis that the applicant has previously been convicted of a crime under  
6 certain circumstances; requiring the operator of a certain youth camp to request a  
7 certain determination from the Maryland Department of Health before making a  
8 certain offer of employment to a job applicant; requiring the Department to issue a  
9 certain determination to a youth camp at a certain time; providing that a certain  
10 determination is binding under certain circumstances; and generally relating to the  
11 employment of previously convicted individuals.

12 BY repealing and reenacting, with amendments,  
13 Article – Criminal Procedure  
14 Section 1–209  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Health – General  
19 Section 14–407  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume and 2021 Supplement)

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

24 **Article – Criminal Procedure**

25 1–209.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section, “department” means:

2 (i) the Department of Agriculture;

3 (ii) the Department of the Environment;

4 (iii) the Maryland Department of Health;

5 (iv) the Department of Human Services;

6 (v) the Maryland Department of Labor; or

7 (vi) the Department of Public Safety and Correctional Services.

8 (2) “Department” includes any unit of a department specified in paragraph  
9 (1) of this subsection.

10 (b) This section does not apply to a person who was previously convicted of a crime  
11 of violence, as defined in § 14–101 of the Criminal Law Article.

12 (c) It is the policy of the State to encourage the employment of nonviolent  
13 ex-offenders and remove barriers to their ability to demonstrate fitness for occupational  
14 licenses or certifications required by the State.

15 (d) Except as provided in subsection (f) of this section, a department may not deny  
16 an occupational license or certificate to **OR DECLINE TO HIRE** an applicant solely on the  
17 basis that the applicant has previously been convicted of a crime, unless the department  
18 determines that:

19 (1) there is a direct relationship between the applicant’s previous  
20 conviction and the specific occupational license or certificate **OR EMPLOYMENT** sought; or

21 (2) the issuance of the license or certificate **OR HIRING THE APPLICANT**  
22 would involve an unreasonable risk to property or to the safety or welfare of specific  
23 individuals or the general public.

24 (e) In making the determination under subsection (d) of this section, the  
25 department shall consider:

26 (1) the policy of the State expressed in subsection (c) of this section;

27 (2) the specific duties and responsibilities required of a licensee or  
28 certificate holder **OR THE POSITION SOUGHT**;

29 (3) whether the applicant’s previous conviction has any impact on the  
30 applicant’s fitness or ability to perform the duties and responsibilities authorized by the  
31 license or certificate **OR REQUIRED BY THE JOB**;

1 (4) the age of the applicant at the time of the conviction and the amount of  
2 time that has elapsed since the conviction;

3 (5) the seriousness of the offense for which the applicant was convicted;

4 (6) other information provided by the applicant or on the applicant's behalf  
5 with regard to the applicant's rehabilitation and good conduct; and

6 (7) the legitimate interest of the department in protecting property and the  
7 safety and welfare of specific individuals or the general public.

8 (f) (1) This subsection does not apply to a conviction of a crime for which  
9 registration on the sex offender registry is required under Title 11, Subtitle 7 of this article.

10 (2) If a period of 7 years or more has passed since an applicant completed  
11 serving the sentence for a crime, including all imprisonment, mandatory supervision,  
12 probation, and parole, and the applicant has not been charged with another crime other  
13 than a minor traffic violation, as defined in § 10–101 of this article, during that time, a  
14 department may not deny an occupational license or certificate to **OR DECLINE TO HIRE**  
15 the applicant solely on the basis that the applicant was previously convicted of the crime.

#### 16 Article – Health – General

17 14–407.

18 (A) The Department shall:

19 (1) Investigate complaints received regarding the youth camp; and

20 (2) Require appropriate training, including knowledge of outdoor camping,  
21 for a camp inspector.

22 (B) (1) **BEFORE A YOUTH CAMP MAKES A FORMAL OFFER OF**  
23 **EMPLOYMENT TO A JOB APPLICANT, THE OPERATOR OF THE YOUTH CAMP SHALL**  
24 **REQUEST FROM THE DEPARTMENT A DETERMINATION AS TO WHETHER THE**  
25 **RESULTS OF A FEDERAL CRIMINAL HISTORY RECORDS CHECK WOULD BE THE BASIS**  
26 **FOR PROHIBITING THE HIRING OF THE APPLICANT.**

27 (2) **ON RECEIPT OF A REQUEST FROM THE OPERATOR OF A YOUTH**  
28 **CAMP UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL**  
29 **ISSUE A WRITTEN DETERMINATION TO THE YOUTH CAMP AS TO WHETHER THE**  
30 **RESULTS OF A FEDERAL CRIMINAL HISTORY RECORDS CHECK WOULD BE THE BASIS**  
31 **FOR PROHIBITING THE HIRING OF THE APPLICANT.**

32 (3) **A DETERMINATION ISSUED BY THE DEPARTMENT UNDER**

1 PARAGRAPH (2) OF THIS SUBSECTION IS BINDING ON THE DEPARTMENT AND THE  
2 YOUTH CAMP UNLESS THE APPLICANT:

3 (I) HAS SUBSEQUENTLY BEEN CONVICTED OF A CRIME;

4 (II) HAS PENDING CRIMINAL CHARGES; OR

5 (III) HAD PREVIOUSLY UNDISCLOSED CRIMINAL CONVICTIONS.

6 (4) THE DEPARTMENT MAY SET A REASONABLE FEE TO COVER THE  
7 COST OF A CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER THIS  
8 SUBSECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2022.