

Department of Legislative Services  
Maryland General Assembly  
2025 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 815

(Senator Watson, *et al.*)

Finance and Education, Energy, and the  
Environment

Economic Matters

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Occupational Licensing and Certification - Criminal History - Prohibited  
Disclosures

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This bill makes several alterations to existing statutory provisions that prohibit certain executive departments from denying an occupational license or certificate to an applicant solely on the basis of the criminal history of the applicant unless the department makes a specified determination after consideration of specified factors. The bill’s changes include (1) limiting application of the statute to the State Board of Barbers and the State Board of Cosmetologists within the Maryland Department of Labor (MD Labor) only; (2) applying the statute to all ex-offenders (not just nonviolent ex-offenders); (3) prohibiting MD Labor from requiring an applicant for an occupational license or certificate to disclose specified criminal history information as part of an application; and (4) expanding the list of factors for consideration.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill does not materially affect local government finances or operations.

**Small Business Effect:** Potential meaningful.

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Analysis

**Bill Summary/Current Law:** Under current law, “department” means the Maryland Department of Agriculture (MDA); the Maryland Department of the Environment (MDE); the Maryland Department of Health (MDH); the Department of Human Services (DHS);

MD Labor; or the Department of Public Safety and Correctional Services (DPSCS). “Department” includes any unit of these departments.

The bill limits application of the statute by removing MDA, MDE, MDH, DHS, and DPSCS from the definition of “department,” and further restricting applicability to only the State Board of Barbers and the State Board of Cosmetologists within MD Labor.

Under current law, 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. The bill applies this policy to *all* ex-offenders. The bill makes a corresponding change by repealing a provision that refers to persons convicted of a crime of violence under § 14-101 of the Criminal Law Article.

The bill prohibits MD Labor from requiring an applicant for an occupational license or certificate to disclose the following as a part of an application: (1) a deferred adjudication; (2) participation in a diversion program; (3) an arrest not followed by a conviction; (4) a conviction for which no term of imprisonment may be imposed; (5) a conviction that has been sealed, vacated, dismissed, expunged, or pardoned; (6) an adjudication of a delinquent act as a juvenile; (7) a conviction for a misdemeanor that did not involve physical harm to another individual; (8) a conviction for which a period of three years has passed since the applicant completed serving the applicant’s sentence if the sentence did not include a term of imprisonment; or (9) a conviction for which three years have passed since the end of the individual’s term of imprisonment, unless the conviction was for a crime of violence as defined under § 14-101 of the Criminal Law Article or fraud or a related crime under Title 8 of the Criminal Law Article.

Under current law, except as specified, a department 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 (1) there is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought or (2) 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.

Under the bill, MD Labor 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 MD Labor determines that (1) there is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought or (2) the issuance of the license or certificate would involve a *direct and substantial threat* to public safety or specific individuals or property.

Under current law, in making this determination, the department must consider (1) the policy of the State described above; (2) the specific duties and responsibilities required of a licensee or certificate holder; (3) 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; (4) the age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction; (5) the seriousness of the offense for which the applicant was convicted; (6) other information provided by the applicant or on the applicant's behalf with regard to the applicant's rehabilitation and good conduct; and (7) the legitimate interest of the department in protecting property and the safety and welfare of specific individuals or the general public.

The bill adds the following required considerations: (1) the applicant's education, training, and employment history before, during, and after the applicant's term of imprisonment; and (2) whether the occupational license or certificate requires the applicant to be bonded.

Under current law, with the exception of a crime for which registration on the sex offender registry is required, if at least seven years have passed since an applicant completed serving the sentence for a crime, including all imprisonment, mandatory supervision, probation, and parole, and the applicant has not been charged with another crime other than a minor traffic violation during that time, a department may not deny an occupational license or certificate to the applicant solely on the basis that the applicant was previously convicted of the crime. The bill retains this provision but alters it to reflect application of the statute to MD Labor only.

**Small Business Effect:** The bill may have a meaningful effect on small business employers that are able to find licensed or certified employees as a result of the bill.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see SB 54 and HB 175 of 2024 and HB 906 of 2023.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture; Department of Budget and Management; Department of Human Services; Maryland Department of Labor; Department of Public Safety and Correctional Services; Department of Legislative Services

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