

**HB 420****Employers of Ex-Offenders - Liability for Negligent Hiring or Inadequate Supervision – Immunity****Economic Matters Committee****Position: Favorable**

Maryland AGC, the Maryland Chapter of the Associated General Contractors of America, provides professional education, business development, and advocacy for commercial construction companies and vendors, both open shop and union. AGC of America is the nation's largest and oldest trade association for the construction industry. AGC of America represents more than 27,000 firms, including over 6,500 of America's leading general contractors, and over 9,000 specialty-contracting firms, all through a nationwide network of chapters. Maryland AGC supports HB 420 and respectfully urges the bill be given a favorable report.

HB 420 provides that an employer may not be held liable for negligently hiring or failing to adequately supervise an employee based on evidence that the employee has received probation before judgment for an offense or has been convicted of an offense if the employee has: (1) completed the term of imprisonment or probation for the offense; or (2) been released on parole for the offense.

Recruitment and retention are essential to the future of the construction industry. HB 420 addresses a dilemma faced by employers who seek to hire ex-offenders and give them a fresh start. The construction industry is faced with a chronic shortage of qualified craftsmen or of individuals who are willing and eager to learn one of the construction crafts. Construction firms have turned to ex-offenders who have completed their sentences and have either the skills or the desire to acquire skills needed in the construction industry. HB 420 would support construction industry employers in finding critically needed workers and in extending a hand up to qualified ex-offenders.

As the Fiscal Note points out, "with respect to intentional torts committed by an employee, the critical inquiry is "...whether the employer knew or should have known that the individual was potentially dangerous." *Evans v. Morsell*, 284 Md. 160, 167 (1978) at 165. Negligent supervision actions are typically centered on the inadequate supervision of an employee, resulting in injury to the plaintiff, rather than the process the employer used when hiring the employee. In either case, HB 420 would make it clear that the mere hiring and employing of an ex-offender are not sufficient in and of themselves to constitute a tort without more evidence of tortious conduct by the employer. It does not relieve the employer of the further duty to inquire or supervise properly.

Rather than placing unwarranted obstacles in the path of an employer offering a hand up and a fresh start, Maryland law should facilitate the hiring of ex-offenders. Accordingly, Maryland AGC respectfully urges the Committee to give HB 420 a favorable report.

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