



Maryland Association for Justice, Inc.

2021 Position Paper

Employers of Ex-Offenders – Liability for Negligent Hiring Or Inadequate Supervision – Immunity HB 420 – UNFAVORABLE REPORT

HB 420 exposes Maryland citizens to an increased risk of injury and death, and deprives injured Marylanders and their families of their rights to hold employers accountable in court for their negligent conduct. We urge an **UNFAVORABLE** report.

HB 420 declares that employers in certain industries in Maryland “may not be held liable for negligent hiring or failing to adequately supervise an employee” based on evidence that the employee received probation before judgment or was convicted for an offense where the employee completed a prison term or probation or has been released on parole.

HB 420 represents a dangerous change to existing Maryland law.

With respect to the tort of “negligent hiring,” Maryland law already allows employers to assume that every prospective employee is competent to perform simple work that does not involve a danger to others. When a job involves contact with the public, the law requires that employers should make *some reasonable inquiry*, before hiring or retaining the employee, to ascertain his or her fitness for the job or some other basis for believing the employee is reliable.

In other words, Maryland employers who undertake a reasonable inquiry to determine the fitness of an employee for a particular job cannot be liable for negligent hiring *under existing law*, because they would not have acted negligently in hiring such an employee.

HB 420 absolves employers of *any* duty to adequately screen or supervise employees within the scope of the bill, even after they are hired.

HB 420 obliterates longstanding rules of law, which were put in place by the courts for the protection and safety of the public. Employers under HB 420 would enjoy a free pass to *hire employees unfit for their work*, and to allow them to work *without adequate supervision*. This is not sound public policy, and would put Marylanders at risk.

**The Maryland Association for Justice respectfully requests
an UNFAVORABLE report on HB 420.**