



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB596**

**-Business Occupations and Professions – Occupational Licenses
and Certificates – Criminal History-**

Before the Education, Energy and the Environment Committee

on March 7, 2023

Chair Feldman, Vice-Chair Kagan, and Members of the Committee:

SB 596 to remove certain past criminal records from hindering access to occupational licensing for individuals looking for employment.

- **According to the Bureau of Labor Statistics, more than one-quarter of workers in the United States require a professional license; however, for individuals with criminal convictions, occupational licensing, and certification can present a significant barrier to employment.**
- **According to the Bureau of Justice Statistics, there are over 1.5 million Marylanders with a criminal record.**
- **Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, whether or not a person is ever convicted of a crime.**
- **Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly**

visible via Maryland Case Search until the charges and dispositions are expunged.

- According to the American Bar Association’s National Inventory of the Collateral Consequences of Conviction, there are 521 employment-related collateral consequences for individuals with convictions in Maryland.
- A 2009 report by the Department of Legislative Services noted the prohibition of employment or denial or revocation of an occupational license in 55 distinct occupations based on the possession of a criminal record, felony, or misdemeanor conviction, or conviction of committing specific offenses.

CURRENT LAW

- Maryland’s statute states in Criminal Procedure §1–209 that state licensing boards may not deny occupational licenses or certificates to applicants solely on the basis of a prior conviction, unless:
 - There is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought; or
 - 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.
- Although the statute supposedly requires a direct relationship between convictions and a license, the reality is that loopholes that allow Boards to deny applicants whom they deem pose an “unreasonable risk” overshadow the statute.
- Note that this section exists in the Criminal Procedure section of the code and not the Business Occupations and Professions Section- allowing some licensing boards to equivocate over whether this law applies to their specific field.

SOLUTION

- **Senate Bill 596 seeks to address this by prohibiting any board or commission established under the Business Occupations and Professions Article from requiring an applicant for an occupational license or certificate to disclose any specified information relating to the applicant's prior criminal history. It strengthens the protections listed in Criminal Procedure §1-209 and eliminates any loopholes used by licensing boards to deny applications from the returning citizen population. It still excludes violent crimes as defined in Criminal Law §14-101, which effectively addresses any public safety concerns that will arise.**

CLOSING

- **Returning citizens need jobs and one of the major ways they accomplish this is through the skilled trades. It was recommended in a 2016 Collateral Consequences Workgroup report that Maryland consider passing a comprehensive anti-discrimination law as a way to address the barriers that individuals with criminal records face in both hiring and occupational licensing. This bill does just that.**

For these reasons, I respectfully request a favorable report on Senate Bill 596.

Sincerely,



Jill P. Carter, Esq.