

SENATE BILL 815

C3, E2
SB 54/24 – FIN & EEE

5lr2936

By: **Senators Watson, Salling, and Muse**

Introduced and read first time: January 28, 2025

Assigned to: Finance and Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2025

CHAPTER _____

1 AN ACT concerning

2 **Occupational Licensing and Certification – Criminal History – Prohibited**
3 **Disclosures**

4 FOR the purpose of altering certain provisions of law regarding the prohibition on certain
5 departments of State government denying an occupational license or certificate to an
6 applicant solely on the basis of the criminal history of the applicant to apply only to
7 certain units in the Maryland Department of Labor and prohibiting the department
8 from requiring disclosure of certain actions on an application; and generally relating
9 to occupational licensing and certification.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 1–209
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2024 Supplement)

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

17 **Article – Criminal Procedure**

18 1–209.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- (i) the Department of Agriculture;
- (ii) the Department of the Environment;
- (iii) the Maryland Department of Health;
- (iv) the Department of Human Services;
- (v)] the Maryland Department of Labor[; or
- (vi) the Department of Public Safety and Correctional Services].

(2) “Department” includes ~~any unit of a department specified in paragraph (1) of this subsection~~ **ONLY THE FOLLOWING UNITS IN THE MARYLAND DEPARTMENT OF LABOR:**

(I) THE STATE BOARD OF BARBERS; AND

(II) THE STATE BOARD OF COSMETOLOGISTS.

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

[(c)] **(B)** 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.

(C) THE DEPARTMENT MAY NOT REQUIRE AN APPLICANT FOR AN OCCUPATIONAL LICENSE OR CERTIFICATE TO DISCLOSE AS A PART OF AN APPLICATION:

(1) ANY OF THE FOLLOWING:

(I) A DEFERRED ADJUDICATION;

(II) PARTICIPATION IN A DIVERSION PROGRAM; OR

(III) AN ARREST NOT FOLLOWED BY A CONVICTION;

(2) A CONVICTION FOR WHICH NO TERM OF IMPRISONMENT MAY BE IMPOSED;

(3) A CONVICTION THAT HAS BEEN SEALED, VACATED, DISMISSED, EXPUNGED, OR PARDONED;

(4) AN ADJUDICATION OF A DELINQUENT ACT AS A JUVENILE;

(5) A CONVICTION FOR A MISDEMEANOR THAT DID NOT INVOLVE PHYSICAL HARM TO ANOTHER INDIVIDUAL;

(6) A CONVICTION FOR WHICH A PERIOD OF 3 YEARS HAS PASSED SINCE THE APPLICANT COMPLETED SERVING THE APPLICANT'S SENTENCE IF THE SENTENCE DID NOT INCLUDE A TERM OF IMPRISONMENT; OR

~~(7) UNLESS THE CONVICTION WAS FOR A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE,~~ A CONVICTION FOR WHICH A PERIOD OF 3 YEARS HAS PASSED SINCE THE END OF THE INDIVIDUAL'S TERM OF IMPRISONMENT, UNLESS THE CONVICTION WAS FOR:

(I) A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE; OR

(II) FRAUD OR A RELATED CRIME UNDER TITLE 8 OF THE CRIMINAL LAW ARTICLE.

(d) [Except as provided in subsection (f) of this section, a] **THE** 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] **A DIRECT AND SUBSTANTIAL THREAT TO PUBLIC SAFETY OR SPECIFIC INDIVIDUALS OR PROPERTY.**

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

(1) the policy of the State expressed in subsection [(c)] **(B)** of this section;

(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) THE APPLICANT'S EDUCATION, TRAINING, AND EMPLOYMENT HISTORY BEFORE, DURING, AND AFTER THE APPLICANT'S TERM OF IMPRISONMENT;

(7) WHETHER THE OCCUPATIONAL LICENSE OR CERTIFICATE REQUIRES THE APPLICANT TO BE BONDED;

~~[(6)]~~ (8) other information provided by the applicant or on the applicant's behalf with regard to the applicant's rehabilitation and good conduct; and

~~[(7)]~~ (9) the legitimate interest of the department in protecting property and the safety and welfare of specific individuals or the general public.

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

(2) If a period of 7 years or more has 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, as defined in § 10–101 of this article, during that time, [a] **THE** 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.