

HOUSE BILL 749

P4

0lr1523
CF SB 581

By: **Delegates Pena–Melnyk, Levi, Anderson, Benson, Burns, Carter, Griffith, Gutierrez, Hubbard, Ivey, Nathan–Pulliam, Niemann, Oaks, Reznik, Rice, Ross, and Valderrama**

Introduced and read first time: February 5, 2010

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Applicants for Employment – Criminal History Records**
3 **Checks**

4 FOR the purpose of prohibiting the Judicial, Executive, and Legislative branches of
5 State government from inquiring into the criminal record or criminal history of
6 an applicant for employment until the applicant is selected for an interview;
7 providing that this Act does not prohibit the Judicial, Executive, or Legislative
8 Branch of State government from notifying an applicant for employment of
9 certain information; requiring that certain criminal history records checks be
10 requested from the Criminal Justice Information System Central Repository of
11 the Department of Public Safety and Correctional Services; prohibiting certain
12 employment applications from being used until certain other employment
13 applications in print before the effective date of this Act are used; and generally
14 relating to the conduct of criminal history records checks on applicants for
15 employment in the Judicial, Executive, and Legislative branches of State
16 government.

17 BY adding to

18 Article – State Personnel and Pensions

19 Section 2–102

20 Annotated Code of Maryland

21 (2009 Replacement Volume and 2009 Supplement)

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

24 **Article – State Personnel and Pensions**

25 **2–102.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THIS SECTION DOES NOT APPLY TO:**

2 **(1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
3 **SERVICES; OR**

4 **(2) A JUDICIAL, EXECUTIVE, OR LEGISLATIVE BRANCH OF STATE**
5 **GOVERNMENT THAT HAS A STATUTORY DUTY TO CONDUCT A CRIMINAL HISTORY**
6 **RECORDS CHECK.**

7 **(B) THE JUDICIAL, EXECUTIVE, OR LEGISLATIVE BRANCH OF STATE**
8 **GOVERNMENT MAY NOT INQUIRE INTO THE CRIMINAL RECORD OR CRIMINAL**
9 **HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT IS**
10 **SELECTED FOR AN INTERVIEW.**

11 **(C) IF AN APPLICANT FOR EMPLOYMENT IN THE JUDICIAL, EXECUTIVE,**
12 **OR LEGISLATIVE BRANCH OF STATE GOVERNMENT IS SELECTED FOR AN**
13 **INTERVIEW AND A CRIMINAL HISTORY RECORDS CHECK IS CONDUCTED, IT**
14 **SHALL BE REQUESTED FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM**
15 **CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND**
16 **CORRECTIONAL SERVICES.**

17 **(D) THIS SECTION DOES NOT PROHIBIT A JUDICIAL, EXECUTIVE, OR**
18 **LEGISLATIVE BRANCH OF STATE GOVERNMENT FROM NOTIFYING AN**
19 **APPLICANT FOR EMPLOYMENT THAT A PARTICULAR CRIMINAL HISTORY MAY**
20 **PROHIBIT EMPLOYMENT IN PARTICULAR POSITIONS.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That employment applications
22 for the Judicial, Executive, or Legislative Branch of State government that do not
23 inquire into the criminal record or criminal history of an applicant for employment
24 may not be used until employment applications for the Judicial, Executive, or
25 Legislative Branch of State government in print before the effective date of this Act
26 have been used.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2010.