

HOUSE BILL 788

D5
HB 1163/23 – JUD

4lr0769

By: **Delegates Alston, Acevero, Davis, Fennell, Kaufman, J. Long, and Roberson**
Introduced and read first time: January 31, 2024
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Protections Against Discrimination – Criminal Records**

3 FOR the purpose of prohibiting discrimination based on an individual’s criminal record in
4 public accommodations, commercial leasing, housing, and employment and by
5 certain licensed or regulated persons; establishing certain exceptions to certain
6 prohibitions established under this Act; establishing that certain crimes are not
7 included in the definition of “criminal record” for the purposes of certain provisions
8 prohibiting discrimination; and generally relating to discrimination based on an
9 individual’s criminal record.

10 BY renumbering

11 Article – State Government
12 Section 20–101(d) through (i)
13 to be Section 20–101(e) through (j), respectively
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – State Government
18 Section 20–101(a), 20–301, and 20–601(a)
19 Annotated Code of Maryland
20 (2021 Replacement Volume and 2023 Supplement)

21 BY adding to

22 Article – State Government
23 Section 20–101(d) and (k)
24 Annotated Code of Maryland
25 (2021 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – State Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 20–302, 20–304, 20–401, 20–402, 20–501, 20–601(h), 20–602, 20–603,
2 20–604, 20–605(a)(1), 20–606(a) through (e), 20–610(b)(1) and (2) and (c),
3 20–702(a), 20–703, 20–705, 20–707(b) and (c), and 20–1103(b)

4 Annotated Code of Maryland
5 (2021 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Personnel and Pensions
8 Section 2–302
9 Annotated Code of Maryland
10 (2015 Replacement Volume and 2023 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That Section(s) 20–101(d) through (i) of Article – State Government of the Annotated Code
13 of Maryland be renumbered to be Section(s) 20–101(e) through (j), respectively.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
15 as follows:

16 **Article – State Government**

17 20–101.

18 (a) In Subtitles 1 through 11 of this title the following words have the meanings
19 indicated.

20 **(D) (1) “CRIMINAL RECORD” MEANS:**

21 **(I) AN ARREST;**

22 **(II) A PLEA OR VERDICT OF GUILTY;**

23 **(III) A PLEA OF NOLO CONTENDERE;**

24 **(IV) THE MARKING OF A CHARGE “STET” ON THE DOCKET;**

25 **(V) A DISPOSITION OF PROBATION BEFORE JUDGMENT; OR**

26 **(VI) A DISPOSITION OF NOT CRIMINALLY RESPONSIBLE.**

27 **(2) “CRIMINAL RECORD” DOES NOT INCLUDE:**

28 **(I) AN ARREST OR DISPOSITION LISTED IN PARAGRAPH (1) OF**
29 **THIS SUBSECTION IF THE CRIME WAS COMMITTED AGAINST A MINOR OR**
30 **VULNERABLE ADULT; OR**

1 **(II) THE REGISTRATION STATUS OF AN INDIVIDUAL ON THE**
2 **MARYLAND SEX OFFENDER REGISTRY.**

3 **(K) “VULNERABLE ADULT” MEANS AN ADULT WHO LACKS THE PHYSICAL OR**
4 **MENTAL CAPACITY TO PROVIDE FOR THE ADULT’S DAILY NEEDS.**

5 20–301.

6 In this subtitle, “place of public accommodation” means:

7 (1) an inn, hotel, motel, or other establishment that provides lodging to
8 transient guests;

9 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
10 other facility principally engaged in selling food or alcoholic beverages for consumption on
11 or off the premises, including a facility located on the premises of a retail establishment or
12 gasoline station;

13 (3) a motion picture house, theater, concert hall, sports arena, stadium, or
14 other place of exhibition or entertainment;

15 (4) a retail establishment that:

16 (i) is operated by a public or private entity; and

17 (ii) offers goods, services, entertainment, recreation, or
18 transportation; or

19 (5) an establishment:

20 (i) 1. that is physically located within the premises of any other
21 establishment covered by this subtitle; or

22 2. within the premises of which any other establishment
23 covered by this subtitle is physically located; and

24 (ii) that holds itself out as serving patrons of the covered
25 establishment.

26 20–302.

27 This subtitle does not prohibit the proprietor or employees of any establishment from
28 denying service to any person for failure to conform to the usual and regular requirements,
29 standards, and regulations of the establishment, provided that the denial is not based on

1 discrimination on the grounds of race, sex, age, color, creed, national origin, marital status,
2 sexual orientation, gender identity, **CRIMINAL RECORD**, or disability.

3 20–304.

4 An owner or operator of a place of public accommodation or an agent or employee of
5 the owner or operator may not refuse, withhold from, or deny to any person any of the
6 accommodations, advantages, facilities, or privileges of the place of public accommodation
7 because of the person’s race, sex, age, color, creed, national origin, marital status, sexual
8 orientation, gender identity, **CRIMINAL RECORD**, or disability.

9 20–401.

10 This subtitle does not prohibit any person that is licensed or regulated by the
11 Maryland Department of Labor from refusing, withholding from, or denying
12 accommodations, advantages, facilities, privileges, sales, or services to any person for
13 failure to conform to the usual and regular requirements, standards, and regulations of the
14 licensed or regulated person, provided that the denial is not based on discrimination on the
15 grounds of race, sex, color, creed, national origin, marital status, sexual orientation, age,
16 gender identity, **CRIMINAL RECORD**, or disability.

17 20–402.

18 A person that is licensed or regulated by a unit in the Maryland Department of Labor
19 listed in § 2–108 of the Business Regulation Article may not refuse, withhold from, or deny
20 any person any of the accommodations, advantages, facilities, privileges, sales, or services
21 of the licensed or regulated person or discriminate against any person because of the
22 person’s race, sex, creed, color, national origin, marital status, sexual orientation, age,
23 gender identity, **CRIMINAL RECORD**, or disability.

24 20–501.

25 An owner or operator of commercial property, an agent or employee of the owner or
26 operator of commercial property, or a person that is licensed or regulated by the State may
27 not discriminate against an individual in the terms, conditions, or privileges of the leasing
28 of property for commercial use, or in the provision of services or facilities in connection with
29 the leasing of property for commercial use, because of the individual’s race, color, religion,
30 sex, age, disability, marital status, sexual orientation, gender identity, **CRIMINAL**
31 **RECORD**, or national origin.

32 20–601.

33 (a) In this subtitle the following words have the meanings indicated.

34 (h) “Harassment” includes:

1 (1) unwelcome and offensive conduct, which need not be severe or
2 pervasive, when:

3 (i) the conduct is based on race, color, religion, ancestry or national
4 origin, sex, age, marital status, sexual orientation, gender identity, **CRIMINAL RECORD**,
5 or disability; and

6 (ii) 1. submission to the conduct is made either explicitly or
7 implicitly a term or condition of employment of an individual;

8 2. submission to or rejection of the conduct is used as a basis
9 for employment decisions affecting the individual; or

10 3. based on the totality of the circumstances, the conduct
11 unreasonably creates a working environment that a reasonable person would perceive to
12 be abusive or hostile; and

13 (2) sexual harassment.

14 20–602.

15 It is the policy of the State, in the exercise of its police power for the protection of the
16 public safety, public health, and general welfare, for the maintenance of business and good
17 government, and for the promotion of the State's trade, commerce, and manufacturers:

18 (1) to assure all persons equal opportunity in receiving employment and in
19 all labor management–union relations, regardless of race, color, religion, ancestry or
20 national origin, sex, age, marital status, sexual orientation, gender identity, **CRIMINAL**
21 **RECORD**, or disability unrelated in nature and extent so as to reasonably preclude the
22 performance of the employment; and

23 (2) to that end, to prohibit discrimination in employment by any person.

24 20–603.

25 This subtitle does not require:

26 (1) an employer, employment agency, labor organization, or joint
27 labor–management committee subject to this subtitle to grant preferential treatment to
28 any individual or group on the basis of the race, color, religion, sex, age, national origin,
29 gender identity, sexual orientation, **CRIMINAL RECORD**, or disability of the individual or
30 group because an imbalance may exist with respect to the total number or percentage of
31 individuals of any race, color, religion, sex, age, national origin, gender identity, **CRIMINAL**
32 **RECORD**, or sexual orientation or individuals with disabilities employed by the employer,
33 referred or classified for employment by the employment agency or labor organization,
34 admitted to membership or classified by the labor organization, or admitted to, or employed

1 in, any apprenticeship or other training program, compared to the total number or
2 percentage of individuals of that race, color, religion, sex, age, national origin, **CRIMINAL**
3 **RECORD**, gender identity, or sexual orientation or individuals with disabilities in the State
4 or any community, section, or other area, or in the available work force in the State or any
5 community, section, or other area; or

6 (2) an employer to reasonably accommodate an employee's religion or
7 disability, or an applicant for employment's disability, if the accommodation would cause
8 undue hardship on the conduct of the employer's business.

9 20-604.

10 (A) This subtitle does not apply to:

11 (1) an employer with respect to the employment of aliens outside of the
12 State; or

13 (2) a religious corporation, association, educational institution, or society
14 with respect to the employment of individuals of a particular religion, sexual orientation,
15 or gender identity **OR WITH A CRIMINAL RECORD** to perform work connected with the
16 activities of the religious entity.

17 (B) **THIS SUBTITLE DOES NOT:**

18 (1) **PROHIBIT AN EMPLOYER FROM MAKING AN INQUIRY OR TAKING**
19 **ANY OTHER ACTION REGARDING A CRIMINAL RECORD THAT UNDER APPLICABLE**
20 **STATE OR FEDERAL LAW THE EMPLOYER IS:**

21 (I) **REQUIRED OR EXPRESSLY AUTHORIZED TO TAKE; OR**

22 (II) **IN THE CASE OF AN INQUIRY OR OTHER ACTION THAT IS**
23 **SUBSTANTIALLY RELATED TO THE ESSENTIAL FUNCTIONS OF A JOB APPLIED FOR,**
24 **AUTHORIZED TO TAKE; OR**

25 (2) **APPLY TO AN EMPLOYER THAT PROVIDES PROGRAMS, SERVICES,**
26 **OR DIRECT CARE TO MINORS OR TO VULNERABLE ADULTS.**

27 (C) **THIS SUBTITLE MAY NOT BE CONSTRUED TO PREEMPT A LOCAL**
28 **JURISDICTION FROM ENACTING OR ENFORCING A LAW THAT IS MORE RESTRICTIVE**
29 **WITH RESPECT TO CRIMINAL RECORD SCREENING PRACTICES OF EMPLOYERS IN**
30 **THE LOCAL JURISDICTION.**

31 20-605.

1 (a) Notwithstanding any other provision of this subtitle, this subtitle does not
2 prohibit:

3 (1) an employer from hiring and employing employees, an employment
4 agency from classifying or referring for employment any individual, a labor organization
5 from classifying its membership or classifying or referring for employment any individual,
6 or an employer, labor organization, or joint labor–management committee controlling
7 apprenticeship or other training or retraining programs from admitting or employing any
8 individual in a program, on the basis of the individual’s sex, age, religion, national origin,
9 **CRIMINAL RECORD**, or disability, if sex, age, religion, national origin, **CRIMINAL**
10 **RECORD**, or disability is a bona fide occupational qualification reasonably necessary to the
11 normal operation of that business or enterprise;

12 20–606.

13 (a) An employer may not:

14 (1) fail or refuse to hire, discharge, or otherwise discriminate against any
15 individual with respect to the individual’s compensation, terms, conditions, or privileges of
16 employment because of:

17 (i) the individual’s race, color, religion, sex, age, national origin,
18 marital status, sexual orientation, gender identity, genetic information, **CRIMINAL**
19 **RECORD**, or disability unrelated in nature and extent so as to reasonably preclude the
20 performance of the employment; or

21 (ii) the individual’s refusal to submit to a genetic test or make
22 available the results of a genetic test;

23 (2) limit, segregate, or classify its employees or applicants for employment
24 in any way that would deprive or tend to deprive any individual of employment
25 opportunities or otherwise adversely affect the individual’s status as an employee because
26 of:

27 (i) the individual’s race, color, religion, sex, age, national origin,
28 marital status, sexual orientation, gender identity, genetic information, **CRIMINAL**
29 **RECORD**, or disability unrelated in nature and extent so as to reasonably preclude the
30 performance of the employment; or

31 (ii) the individual’s refusal to submit to a genetic test or make
32 available the results of a genetic test;

33 (3) request or require genetic tests or genetic information as a condition of
34 hiring or determining benefits;

1 (4) fail or refuse to make a reasonable accommodation for the known
2 disability of an otherwise qualified employee or an applicant for employment; or

3 (5) engage in harassment of an employee.

4 (b) An employment agency may not:

5 (1) fail or refuse to refer for employment or otherwise discriminate against
6 any individual because of the individual's race, color, religion, sex, age, national origin,
7 marital status, sexual orientation, gender identity, **CRIMINAL RECORD**, or disability
8 unrelated in nature and extent so as to reasonably preclude the performance of the
9 employment; or

10 (2) classify or refer for employment any individual on the basis of the
11 individual's race, color, religion, sex, age, national origin, marital status, sexual
12 orientation, gender identity, **CRIMINAL RECORD**, or disability unrelated in nature and
13 extent so as to reasonably preclude the performance of the employment.

14 (c) A labor organization may not:

15 (1) exclude or expel from its membership, or otherwise discriminate
16 against, any individual because of the individual's race, color, religion, sex, age, national
17 origin, marital status, sexual orientation, gender identity, **CRIMINAL RECORD**, or
18 disability unrelated in nature and extent so as to reasonably preclude the performance of
19 the employment;

20 (2) limit, segregate, or classify its membership, or classify or fail or refuse
21 to refer for employment any individual, in any way that would deprive or tend to deprive
22 the individual of employment opportunities, limit the individual's employment
23 opportunities, or otherwise adversely affect the individual's status as an employee or as an
24 applicant for employment because of the individual's race, color, religion, sex, age, national
25 origin, marital status, sexual orientation, gender identity, **CRIMINAL RECORD**, or
26 disability unrelated in nature and extent so as to reasonably preclude the performance of
27 the employment; or

28 (3) cause or attempt to cause an employer to discriminate against an
29 individual in violation of this section.

30 (d) An employer, labor organization, or joint labor-management committee
31 controlling apprenticeship or other training or retraining programs, including on-the-job
32 training programs, may not discriminate against any individual in admission to, or
33 employment in, any program established to provide apprenticeship or other training or
34 retraining because of the individual's race, color, religion, sex, age, national origin, marital
35 status, sexual orientation, gender identity, **CRIMINAL RECORD**, or disability unrelated in
36 nature and extent so as to reasonably preclude the performance of the employment.

1 (e) (1) Except as provided in paragraph (2) of this subsection, an employer,
2 labor organization, or employment agency may not print or cause to be printed or published
3 any notice or advertisement relating to employment by the employer, membership in or any
4 classification or referral for employment by the labor organization, or any classification or
5 referral for employment by the employment agency that indicates any preference,
6 limitation, specification, or discrimination based on race, color, religion, sex, age, national
7 origin, marital status, sexual orientation, gender identity, **CRIMINAL RECORD**, or
8 disability.

9 (2) A notice or advertisement may indicate a preference, limitation,
10 specification, or discrimination based on religion, sex, age, national origin, marital status,
11 or disability if religion, sex, age, national origin, marital status, or disability is a bona fide
12 occupational qualification for employment.

13 20-610.

14 (b) An employer may not:

15 (1) fail or refuse to offer an internship, terminate an internship, or
16 otherwise discriminate against an individual with respect to the terms, conditions, or
17 privileges of an internship because of the individual's race, color, religion, sex, age, national
18 origin, marital status, sexual orientation, gender identity, **CRIMINAL RECORD**, or
19 disability unrelated in nature and extent so as to reasonably preclude the performance of
20 the internship;

21 (2) limit, segregate, or classify its interns or applicants for internships in
22 any way that would deprive or tend to deprive any individual of internship opportunities
23 or otherwise adversely affect the individual's status as an intern because of the individual's
24 race, color, religion, sex, age, national origin, marital status, sexual orientation, gender
25 identity, **CRIMINAL RECORD**, or disability unrelated in nature and extent so as to
26 reasonably preclude the performance of the internship;

27 (c) (1) Except as provided in paragraph (2) of this subsection, an employer may
28 not print or cause to be printed or published any notice or advertisement relating to an
29 internship with the employer that indicates any preference, limitation, specification, or
30 discrimination based on race, color, religion, sex, age, national origin, marital status, sexual
31 orientation, gender identity, **CRIMINAL RECORD**, or disability.

32 (2) A notice or an advertisement may indicate a preference, limitation,
33 specification, or discrimination based on religion, sex, age, national origin, marital status,
34 or disability if religion, sex, age, national origin, marital status, **CRIMINAL RECORD**, or
35 disability is a bona fide occupational qualification for the internship.

36 20-702.

37 (a) It is the policy of the State:

1 (1) to provide for fair housing throughout the State to all, regardless of
2 race, color, religion, sex, familial status, national origin, marital status, sexual orientation,
3 gender identity, disability, **CRIMINAL RECORD**, or source of income; and

4 (2) to that end, to prohibit discriminatory practices with respect to
5 residential housing by any person, in order to protect and ensure the peace, health, safety,
6 prosperity, and general welfare of all.

7 20-703.

8 This subtitle does not:

9 (1) invalidate or limit any local law that requires dwellings to be designed
10 and constructed in a manner that affords an individual with a disability greater access than
11 is required by § 20-706(b) of this subtitle;

12 (2) limit the applicability of any reasonable local, State, or federal
13 restrictions regarding the maximum number of occupants allowed to occupy a dwelling;

14 (3) prohibit the State or a local government from enacting standards that
15 govern the location of group homes, as defined in § 4-601 of the Housing and Community
16 Development Article;

17 (4) affect the powers of any local government to enact an ordinance on any
18 subject covered by this subtitle, provided that the ordinance does not authorize any act that
19 would be a discriminatory housing practice under this subtitle;

20 (5) require that a dwelling be made available to an individual whose
21 tenancy would:

22 (i) constitute a direct threat to the health or safety of other
23 individuals; or

24 (ii) result in substantial physical damage to the property of others;

25 (6) prohibit conduct against a person because the person has been
26 convicted by a court of competent jurisdiction of the illegal manufacture or distribution of:

27 (i) a controlled dangerous substance, as defined in § 5-101 of the
28 Criminal Law Article; or

29 (ii) a controlled substance, as defined in 21 U.S.C. § 802;

30 (7) unless membership in the religion is restricted on the basis of race,
31 color, or national origin, prohibit a religious organization, association, or society or any
32 nonprofit institution or organization operated, supervised, or controlled by or in conjunction
33 with a religious organization, association, or society from giving preference or limiting the

1 sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial
2 purpose to persons of the same religion; [or]

3 (8) prohibit a private club that is not open to the public and that, as an
4 incident to its primary purpose or purposes, provides lodgings that it owns or operates for
5 other than a commercial purpose, from limiting the rental or occupancy of the dwellings to
6 its members or from giving preference to its members; **OR**

7 (9) (I) **PROHIBIT A HOUSING PROVIDER FROM MAKING AN INQUIRY**
8 **OR TAKING OTHER ACTION THAT THE HOUSING PROVIDER IS REQUIRED TO TAKE OR**
9 **EXPRESSLY AUTHORIZED TO TAKE BY ANOTHER APPLICABLE FEDERAL OR STATE**
10 **LAW REGARDING A CRIMINAL RECORD; OR**

11 (II) **APPLY TO A HOUSING PROVIDER THAT PROVIDES**
12 **PROGRAMS, SERVICES, OR DIRECT CARE TO MINORS OR VULNERABLE ADULTS.**

13 20–705.

14 Except as provided in §§ 20–703 and 20–704 of this subtitle, a person may not:

15 (1) refuse to sell or rent after the making of a bona fide offer, refuse to
16 negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any
17 person because of race, color, religion, sex, disability, marital status, familial status, sexual
18 orientation, gender identity, national origin, **CRIMINAL RECORD**, or source of income;

19 (2) discriminate against any person in the terms, conditions, or privileges
20 of the sale or rental of a dwelling, or in the provision of services or facilities in connection
21 with the sale or rental of a dwelling, because of race, color, religion, sex, disability, marital
22 status, familial status, sexual orientation, gender identity, national origin, **CRIMINAL**
23 **RECORD**, or source of income;

24 (3) make, print, or publish, or cause to be made, printed, or published, any
25 notice, statement, or advertisement with respect to the sale or rental of a dwelling that
26 indicates any preference, limitation, or discrimination based on race, color, religion, sex,
27 disability, marital status, familial status, sexual orientation, gender identity, national
28 origin, **CRIMINAL RECORD**, or source of income, or an intention to make any preference,
29 limitation, or discrimination;

30 (4) represent to any person, because of race, color, religion, sex, disability,
31 marital status, familial status, sexual orientation, gender identity, national origin,
32 **CRIMINAL RECORD**, or source of income, that any dwelling is not available for inspection,
33 sale, or rental when the dwelling is available; or

34 (5) for profit, induce or attempt to induce any person to sell or rent any
35 dwelling by representations regarding the entry or prospective entry into the neighborhood
36 of a person of a particular race, color, religion, sex, disability, marital status, familial status,

1 sexual orientation, gender identity, national origin, or source of income **OR WITH A**
2 **CRIMINAL RECORD.**

3 20-707.

4 (b) (1) A person whose business includes engaging in residential real
5 estate-related transactions may not discriminate against any person in making available
6 a transaction, or in the terms or conditions of a transaction, because of race, color, religion,
7 sex, disability, marital status, familial status, sexual orientation, gender identity, national
8 origin, **CRIMINAL RECORD**, or source of income.

9 (2) Paragraph (1) of this subsection does not prohibit a person engaged in
10 the business of furnishing appraisals of real property from taking into consideration factors
11 other than race, color, religion, sex, disability, marital status, familial status, sexual
12 orientation, gender identity, national origin, **CRIMINAL RECORD**, or source of income.

13 (c) A person may not, because of race, color, religion, sex, disability, marital
14 status, familial status, sexual orientation, gender identity, national origin, **CRIMINAL**
15 **RECORD**, or source of income:

16 (1) deny a person access to, or membership or participation in, a
17 multiple-listing service, real estate brokers' organization, or other service, organization, or
18 facility relating to the business of selling or renting dwellings; or

19 (2) discriminate against a person in the terms or conditions of membership
20 or participation.

21 20-1103.

22 (b) Whether or not acting under color of law, a person may not, by force or threat
23 of force, willfully injure, intimidate, interfere with, or attempt to injure, intimidate, or
24 interfere with:

25 (1) any person because of race, color, religion, sex, disability, marital
26 status, familial status, sexual orientation, gender identity, national origin, **CRIMINAL**
27 **RECORD**, or source of income and because the person is or has been:

28 (i) selling, purchasing, renting, financing, occupying, or contracting
29 or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling; or

30 (ii) applying for or participating in any service, organization, or
31 facility relating to the business of selling or renting dwellings;

32 (2) any person because the person is or has been, or in order to intimidate
33 the person or any other person or any class of persons from:

1 (i) participating, without discrimination on account of race, color,
2 religion, sex, disability, marital status, familial status, sexual orientation, gender identity,
3 national origin, **CRIMINAL RECORD**, or source of income, in any of the activities, services,
4 organizations, or facilities described in item (1) of this subsection; or

5 (ii) affording another person or class of persons the opportunity or
6 protection to participate in any of the activities, services, organizations, or facilities
7 described in item (1) of this subsection; or

8 (3) any person because the person is or has been, or in order to discourage
9 the person or any other person from:

10 (i) lawfully aiding or encouraging other persons to participate,
11 without discrimination on account of race, color, religion, sex, disability, marital status,
12 familial status, sexual orientation, gender identity, national origin, **CRIMINAL RECORD**,
13 or source of income, in any of the activities, services, organizations, or facilities described
14 in item (1) of this subsection; or

15 (ii) participating lawfully in speech or peaceful assembly opposing
16 any denial of the opportunity to participate in any of the activities, services, organizations,
17 or facilities described in item (1) of this subsection.

18 Article – State Personnel and Pensions

19 2–302.

20 (a) The State recognizes and honors the value and dignity of every person and
21 understands the importance of providing employees and applicants for employment with a
22 fair opportunity to pursue their careers in an environment free of discrimination or
23 harassment prohibited by law.

24 (b) (1) Except as provided in paragraph (2) of this subsection or by other law,
25 all personnel actions concerning a State employee or applicant for employment in State
26 government shall be made without regard to:

27 (i) age;

28 (ii) ancestry;

29 (iii) color;

30 (iv) creed;

31 (v) gender identity;

32 (vi) marital status;

- 1 (vii) mental or physical disability;
- 2 (viii) national origin;
- 3 (ix) race;
- 4 (x) religious affiliation, belief, or opinion;

5 **(XI) CRIMINAL RECORD, AS DEFINED IN § 20–101 OF THE STATE**
6 **GOVERNMENT ARTICLE;**

- 7 ~~[(xi)]~~ **(XII)** sex; or
- 8 ~~[(xii)]~~ **(XIII)** sexual orientation.

9 (2) A personnel action may be taken with regard to age, sex, **CRIMINAL**
10 **RECORD**, or disability to the extent that age, sex, **A QUALIFICATION RELATING TO A**
11 **CRIMINAL RECORD**, or A physical or mental qualification is required by law or is a bona
12 fide occupational qualification.

13 (c) (1) Each State employee is expected to assume personal responsibility and
14 leadership in ensuring fair employment practices and equal employment opportunity in
15 Maryland State government.

16 (2) Employment discrimination and harassment by State managers,
17 supervisors, or other employees is prohibited.

18 (3) A State employee who violates this subtitle is subject to disciplinary
19 action by the employee's appointing authority, including the termination of State
20 employment.

21 (d) The Equal Employment Opportunity Program in Title 5, Subtitle 2 of this
22 article governs all employees of any unit in the Executive Branch of State government,
23 including a unit with an independent personnel system.

24 (e) (1) At least annually, the Secretary shall report on the Equal Employment
25 Opportunity Program established in § 5–202 of this article to the Joint Committee on Fair
26 Practices and State Personnel Oversight.

27 (2) The head of a personnel system in the Legislative and Judicial branches
28 may report periodically on equal employment opportunity programs and policies in effect
29 in that personnel system to the Joint Committee on Fair Practices and State Personnel
30 Oversight.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2024.