

SENATE BILL 900

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0lr2970
CF HB 244

By: **Senator Smith**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Records – Disclosure of Information – Prohibited Acts**

3 FOR the purpose of prohibiting certain entities from requiring the disclosure of a conviction
4 that the Governor pardoned in an application, interview, or other means; providing
5 that a person need not refer to a conviction that the Governor pardoned when
6 answering certain questions; prohibiting an educational institution from refusing a
7 person's admission solely for the reason of refusing to disclose certain information;
8 prohibiting a private entity from disclosing information relating to a certain
9 conviction or certain records; applying certain penalties; and generally relating to
10 disclosure of information and expungement.

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Procedure
13 Section 10–109
14 Annotated Code of Maryland
15 (2018 Replacement Volume and 2019 Supplement)

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

18 **Article – Criminal Procedure**

19 10–109.

20 (a) (1) Disclosure of **A CONVICTION THAT THE GOVERNOR PARDONED OR**
21 expunged information about criminal charges in an application, interview, or other means
22 may not be required:

23 (i) by an employer or educational institution of a person who applies
24 for employment or admission; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) by a unit, official, or employee of the State or a political
2 subdivision of the State of a person who applies for a license, permit, registration, or
3 governmental service.

4 (2) A person need not refer to or give information concerning A
5 **CONVICTION THAT THE GOVERNOR PARDONED OR** an expunged charge when
6 answering a question concerning[:

7 (i)] a criminal charge that did not result in a conviction[; or

8 (ii) a conviction that the Governor pardoned].

9 (3) Refusal by a person to disclose information about **A CONVICTION THAT**
10 **THE GOVERNOR PARDONED OR** criminal charges that have been expunged may not be
11 the sole reason for:

12 (i) an employer to discharge or refuse to hire the person; [or]

13 (ii) a unit, official, or employee of the State or a political subdivision
14 of the State to deny the person's application; **OR**

15 **(III) AN EDUCATIONAL INSTITUTION TO REFUSE A PERSON'S**
16 **ADMISSION.**

17 **(B) A PRIVATE ENTITY MAY NOT DISCLOSE INFORMATION RELATING TO A**
18 **CONVICTION THAT THE GOVERNOR PARDONED OR RECORDS THAT HAVE BEEN**
19 **EXPUNGED UNDER THIS SUBTITLE.**

20 **[(b)] (C) (1)** A person who violates this section is guilty of a misdemeanor and
21 on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year
22 or both for each violation.

23 (2) In addition to the penalties provided in paragraph (1) of this subsection,
24 an official or employee of the State or a political subdivision of the State who is convicted
25 under this section may be removed or dismissed from public service.

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
27 October 1, 2020.