



## Senate Bill 974

### *Occupational Licenses or Certificates - Application Determinations - Use of Criminal History*

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: March 14, 2019

From: Natasha Mehu

The Maryland Association of Counties (MACo) **OPPOSES** SB 974 as it may inadvertently create more confusion and uncertainty regarding occupational licenses on a local level than it seeks to solve.

Counties regulate a variety of occupational licenses and certificates. Local licenses are not uniform. Whether a county requires a local license for a certain occupation and what that license requires is largely up to the local jurisdiction. Smaller counties tend to rely on the State for all types of occupational licensing, while larger and mid-size counties have some local licensing programs. Examples of such licenses include pawn brokers, waste haulers, mobile home dealers, electricians, plumbers, and towing companies. Counties with their own licensing programs tend to ask about criminal histories for a few security-sensitive occupations or occupations that work with vulnerable populations. Counties are concerned the bill may impact local licensing considerations for those occupations.

SB 974 would prohibit specified state and all local licensing authorities from denying an occupational license or certificate to an applicant with a prior criminal nonviolent conviction if 5 years or more have passed since the applicant's conviction and other conditions are met or considered. It repeals existing statutory provisions regarding the denial of a license solely because of an applicant's prior criminal conviction as well as several additional considerations an authority may make for determining whether to deny an application. Additionally, the bill allows an individual to petition to the state or local licensing authority at any time to determine whether their prior conviction would make them ineligible. It also requires state and local licensing authorities to list on their applications specific criminal convictions that would disqualify an applicant.

Counties understand the desire to remove barriers to employment for individuals with prior convictions. In recent years, some counties have even taken steps on a local level to implement "ban the box" or other sorts of local legislation that limit when and how businesses may ask about prior convictions; but even those laws have separate provisions for occupations working with vulnerable populations. The concern remains that SB 974 may unintentionally create conflict with local laws meant to help ex-offender applicants. Additionally, counties have a responsibility to protect vulnerable populations and residents in security-sensitive situations. SB 974 – though well-intentioned – removes tools that would allow counties to appropriately evaluate an applicant's suitability for a position working with these populations. For these reasons, MACo **OPPOSES** SB 974.