



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Pam Beidle and Brian Feldman, Chairs and Members of the Senate Finance and Education, Energy, and Environment Committees

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 6, 2024

RE: **SB 54 – Occupational Licensing and Certification - Criminal History - Prohibited Disclosures and Predetermination Review Process**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 54**. While well-meaning, the changes proposed under the bill have the unintended consequences of eroding public safety.

SB 54 makes several changes to the statutes that prohibit certain executive departments from denying an occupational license or certificate to an applicant solely on the basis of the applicant's criminal history. It also prohibits a department from requiring applicants to disclose certain criminal history information and creates a predetermination review process for people to request a preliminary review of their criminal history to determine whether it would disqualify them from the license or certification being sought.

The existing statute strikes the appropriate balance between ensuring that applicants with criminal histories are afforded the opportunity to receive a license or certification and safeguarding the public by thoroughly vetting those seeking licensure or certification. In general, such licenses or certifications are rarely denied. The bill would upset this balance.

Under the bill, applicants would no longer have to disclose certain criminal histories primarily those involving non-violent crimes and crimes that did not result in a conviction. Additionally, departments may not deny the issuance of a license or certificate unless there is "a direct and substantial threat" rather than "an unreasonable risk" to public safety, specific individuals, or property. These provisions open the door too broadly as many nonviolent offenses still need to be treated very seriously when it comes to licensing and certifications. This is especially valid for those who are seeking licenses or certifications in the public safety field. Given the sensitive nature of the work, the standards for safeguarding the public, and the responsibilities granted with the roles, applicants need to be thoroughly vetted. The vetting process takes many things into consideration so that the decision to approve or deny an applicant is a holistic one and not

one based solely on their criminal record. The proposed predetermination process creates a more black-and-white process where binding predeterminations are being made solely on the individual's criminal record.

Investigations into a person, including their criminal history, are a necessary part of the license and certification process for public safety positions. The changes under the bill would hamper the ability to fully investigate someone before issuing a license. For these reasons, MCPA and MSA **OPPOSE SB 54** and urge an **UNFAVORABLE** committee report.