

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2024 Legislative Session

Reference No.: CB-19-2024

Draft No.: 2

Committee: GOFP

Date: May 30, 2024

Action: FAV (A)

REPORT: Committee Vote: Favorable w/ amendments 5-0 (Council Members Watson, Harrison, Dernoga, Oriadha, and Franklin)

The Prince George's County Council's Government and Operations Committee convened on May 30, 2024, to consider CB-019-2024 draft 2, which seeks to prohibit an employer from inquiring into or considering the convictions or conviction records of any applicant for employment if the applicant's sentence has been completed.

Committee staff provided an overview of the legislation, which contains definitions and exemptions for public safety and to prevent conflicts with Federal law. The legislation would prohibit employers from inquiring into or considering convictions or conviction records of any applicant for employment where the sentence of the applicant was completed, (1) For a nonviolent felony, at least five (5) years or sixty (60) months ago or (2) For a misdemeanor at least thirty (30) months ago. The Executive Director of the Office of Human Rights would administer and enforce this section of the code.

Enactment of CB-019-2024 may have an adverse direct fiscal impact on the County to the extent that there could be an increase in the number of complaints to be investigated, necessitating additional expenditures on staffing for the Office of Human Rights to accommodate the increased workload. An increase in revenue is possible if employers are found to be in violation of the County Code.

Council Member Franklin, the bill sponsor stated that the intent is to increase access to employment and decrease recidivism without jeopardizing public safety or creating access to sensitive information. The amendment is designed to eliminate duplication with existing law. A prior law changed the hiring process to

allow returning citizens to interview prior to disclosing a prior conviction. This law will go beyond that and eliminate any inquiries after a certain amount of time.

Sakinda Skinner, representing the Office of the County Executive, reviewed proposed amendments to the legislation.

1. On page 1, Line 16, add, “ACCESS TO EMPLOYMENT FOR RETURNING CITIZENS.”
2. On page 1, Line 17, delete, “FAIR CRIMINAL RECORD SCREENING STANDARDS.”
3. On page 2, Line 2, add, “Arrest means being apprehended, detained, taken into custody, held for investigation, or otherwise restrained by a law enforcement agency or military authority due to an accusation or suspicion that the person committed a crime.”
4. On page 2, Line 13, delete, “from” and “Conviction means a verdict or plea of guilty or nolo contendere to a criminal act, an Alford plea to a criminal act including a sentence of incarceration, a fine, a penalty, a suspended sentence, or a sentence of probation.”
5. On page 2, line 14, delete “an Alford plea to a criminal act including a sentence of incarceration, a fine, a penalty, a suspended sentence, or a sentence of probation.”
6. On page 5, line 6, after positions add, “in the public or private sector”
7. On page 5, line 7, add “personal”
8. On page 5, line 8 add, “homes or residences, facilities that provide personal storage”
9. On page 5, line 18, add “An Employer found in violation of this”
10. On page 5, line 19, add, “Section shall be subject to a fine of up to the maximum allowed by county or state law \$5,000 for each violation.”
11. On page 5, Line 19, delete “\$500 for the first violation and \$1,000”
12. On page 5, line 23, add “ninety (90)”
13. On page 5, line 23, delete “sixty”
14. On page 5, line 24, add “including further specifying the categories of public and private sector positions subject to the exemptions in 2-231.06(a)-(c)”

Jose Villegas from the Office of Human Rights responded to a question from committee Chair Watson about the operational aspects of the changes. We currently have the authority to investigate. The changes add to OHR's authority regarding "ban the box". An employer would be prohibited from inquiring into or considering convictions or conviction records of any applicant for employment where the sentence of the applicant was completed for a nonviolent felony at least five (5) years or sixty (60) months ago or for a misdemeanor, at least thirty (30) months ago.

The Office of Law reports that CB-19-2024 is in proper legislative form and the Office of Law sees no legal impediments to its enactment.

After discussion, the Prince George's County Council's Government Operations and Fiscal Policy Committee voted favorably on CB-19-2024 on draft 2, 5-0.