

COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION



DEPARTMENT OF LEGISLATIVE SERVICES 2009

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January 30, 2009

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Michael E. Busch, Speaker of the House
Members of the Maryland General Assembly

Ladies and Gentlemen:

This report, *Collateral Consequences of a Criminal Conviction*, was prepared by the Department of Legislative Services, Office of Policy Analysis, in response to the continuing legislative interest in the issue of felony convictions. The report describes the distinction between felonies and misdemeanors and discusses the consequences of felony convictions under Maryland law and federal law.

This report was written by Jennifer K. Botts and Effie C. Rife under the editorial direction of Shirleen M. Pilgrim.

I trust this information will be a useful resource for members of the General Assembly and its staff.

Sincerely,

Warren G. Deschenaux
Director

WGD/SMP/lkj

Contents

Transmittal Letter.....	iii
The Felony/Misdemeanor Distinction	1
Collateral Consequences of a Conviction.....	1
Maryland Law.....	1
Voting Rights.....	2
Jury Service.....	2
Firearms	2
Licensing and Employment	2
Federal Law	3
Appendix 1: Statutory Felonies in Maryland.....	5
Appendix 2: Professional Licensure Felony Conviction Restrictions	23
Appendix 3: Consideration of Criminal Record in Licensing and Employment.....	33

Collateral Consequences of a Criminal Conviction

The Felony/Misdemeanor Distinction

The distinction between a felony and a misdemeanor has changed over time and differs among jurisdictions. Under English common law a felony was an offense for which the penalty involved forfeiture in addition to any other punishment. Today, under federal law and the law of many states, a felony is a crime for which the punishment is death or imprisonment for more than one year. In Maryland, and several other states, a felony is a crime declared to be so by the common law or by statute, regardless of the punishment that may be imposed. See **Appendix 1** for a complete list of the statutory felonies in the State. Under Maryland law, certain misdemeanors may carry harsher penalties than certain felonies.

Collateral Consequences of Conviction

When considering the State or federal collateral consequences of a conviction, it is important to note whether the consequence is tied to the categorization of the offense as a felony as opposed to a misdemeanor, the sentence that is or could be imposed, the nature of the crime itself, or some combination of these factors. For example, certain punitive collateral consequences may attach to theft crimes or crimes of violence regardless of whether the offense is a felony or a misdemeanor. Consequences may attach to felonies of a certain category such as drug crimes. Often times, the fact that an offense is a felony is not a deciding factor in whether a particular collateral consequence will apply.

Maryland Law

The collateral consequences of a conviction under Maryland law are in the areas of voting rights, jury service, firearms, licensing and employment, and alcoholic beverage licenses.

Voting Rights

Under § 3-102 (b) of the Election Law Article, an individual is not qualified to be a registered voter if the individual “has been convicted of a felony and is actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction.” The prohibition on voting ends when the sentence is completed, except for convictions for buying or selling votes where a permanent prohibition exists. Chapter 159 of 2007 repealed a provision that permanently disqualified all individuals who had ever been convicted of a felony from voting.

Jury Service

For jury service, the categorization of an offense as a felony or misdemeanor is not relevant. The determining factor is the length of an imposed or possible sentence. Under § 8-103 of the Courts and Judicial Proceedings Article, an individual is not qualified for jury service if the individual:

- (a) has been convicted, in a federal or State court of record of a crime punishable by imprisonment exceeding 6 months and received a sentence of imprisonment for more than 6 months; or
- (b) has a charge pending, in a federal or State court of record, for a crime punishable by imprisonment exceeding 6 months.

Firearms

Section 5-133 of the Public Safety Article prohibits a person from possessing a regulated firearm if the person has been convicted of a felony, a crime of violence, or a misdemeanor in the State that carries a penalty of more than 2 years. A “regulated firearm” is defined as a handgun or any of a long list of assault weapons or their copies (Public Safety § 5-101).

Licensing and Employment

Criminal convictions carry a variety of collateral consequences related to employment and licensing. There are few provisions that prohibit employment outright solely on the basis of a felony conviction. The two that exist are under COMAR 10.09.54.06 and .07 which disqualify individuals from employment as personal care aides or respite care workers if they have been convicted of a felony or any crime involving moral turpitude or theft.

A large number of statutes, however, authorize the refusal, suspension, or revocation of a professional license for individuals who have been convicted of felonies. In addition to felony convictions, these statutes usually authorize adverse licensing decisions for individuals whose convictions fall under particular categories of crimes such as sex offenses, violent offenses, and

drug offenses, that are relevant to the field of employment. See **Appendix 2** for a complete listing of professional licensure felony conviction restrictions.

Additionally, statutorily required and optional background checks may also act as collateral sanctions of conviction. Evidence of a felony conviction discovered during a background check of a job applicant may lead to the denial of a position that would have been offered had the conviction been for a misdemeanor.

Two thirds of states have laws that limit the extent to which a conviction may be considered in the context of an employment or licensing decision. These laws generally provide that a conviction may only be considered if it directly or substantially relates to the particular occupation or employment. Maryland is not among these states. See **Appendix 3** for a listing of states and how they consider criminal records in licensing and employment.

Federal Law

Certain federal benefits may be revoked, refused, or limited upon conviction of a crime. However, it is usually the type of crime committed that is determinative not its distinction as a felony. For instance, conviction under certain controlled dangerous substance laws may bar a person from receiving food stamps or temporary assistance for needy families (*21 U.S.C. § 862*) (While Maryland has exercised its right to partially opt out of this prohibition, it has retained the right to deny benefits for certain drug offenses. *Md. Code, Human Services § 5-601(b)*). Conviction of certain drug crimes may also disqualify a student from receiving grants, loans, or work assistance (*20 U.S.C. § 1091*). Another example is that a person who is subject to a lifetime registration requirement under a state sex offender registration program is ineligible for federally assisted housing (*42 U.S.C. § 13663*).

As with State law, ineligibility for federal jury service is triggered by the length of the maximum sentence possible for a conviction for the offense. Under 28 U.S.C. § 1865, a person is not qualified for jury service if the person “has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year.”

Under 18 U.S.C. § 922(g) it is unlawful to an person who “has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year . . . to possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.” Again, it is the length of a possible sentence that triggers the prohibition not a distinction as a felony. Under the federal law, individuals who have been convicted in any court of a misdemeanor crime of domestic violence are also prohibited from possessing firearms.

With respect to federal employment, a felony conviction does not disqualify a person, but it may be considered in connection with determining suitability for employment.

Military service is one area, however, where conviction of a felony is determinative. Under 28 U.S.C. § 1865, a person “who has been convicted of a felony, may not be enlisted in any armed force.”

Statutory Felonies in Maryland

(Current as of 12/31/08)

Code	Statutory Cite	Felony	Penalty
Business Regulation	14-127	False or misleading statement or omission of material fact	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Business Regulation	14-229	Fraud or deceit; untrue statements or omissions of material fact	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Business Regulation	14-230	False or misleading statement or omission in prospectus or amendment	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Business Regulation	14-231	Untrue statements or omissions of material fact in applications, notices, or reports	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Business Regulation	14-232	Failure to notify Commissioner of material change	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Business Regulation	16-223	Direct sales and shipping of cigarettes ordered by mail or other means	Fine not exceeding \$50 per carton of cigarettes and/or imprisonment not exceeding 2 years
Business Regulation	16-223	Unlawful sale or shipping of cigarettes	Fine not exceeding \$50 per carton of cigarettes and/or imprisonment not exceeding 2 years
Correctional Services	8-801	False imprisonment by inmate	Imprisonment not exceeding 30 years
Courts and Judicial Proceedings	10-402	Interception of communications generally; divulging contents of communications; violations of subtitle	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Courts and Judicial Proceedings	10-403	Manufacture, possession, or sale of intercepting device	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Courts and Judicial Proceedings	10-412	Breaking and entering, etc., to place or remove equipment	Imprisonment not exceeding 10 years
Courts and Judicial Proceedings	10-414	Obstruction, impediment or prevention of interception	Fine not exceeding \$10,000 and/or imprisonment not exceeding 5 years
Criminal Law	1-301	Accessory after the fact	Imprisonment not exceeding 5 years or a penalty not exceeding the maximum penalty provided by law for committing the underlying felony
Criminal Law	2-201	Murder in the first degree	Death, imprisonment for life without the possibility of parole or imprisonment for life
Criminal Law	2-204	Murder in the second degree	Imprisonment not exceeding 30 years

Code	Statutory Cite	Felony	Penalty
Criminal Law	2-205	Attempt to commit murder in the first degree	Imprisonment not exceeding life
Criminal Law	2-206	Attempt to commit murder in the second degree	Imprisonment not exceeding 30 years
Criminal Law	2-207	Manslaughter	Imprisonment not exceeding 10 years or imprisonment in a local correctional facility not exceeding 2 years or a fine not exceeding \$500 or both
Criminal Law	2-209	Manslaughter by vehicle or vessel	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Criminal Law	2-503	Homicide by motor vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000
Criminal Law	2-504	Homicide by motor vehicle or vessel while impaired by alcohol	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Criminal Law	2-505	Homicide by motor vehicle or vessel while impaired by drugs	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Criminal Law	2-506	Homicide by motor vehicle or vessel while impaired by a controlled dangerous substance	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Criminal Law	3-102	Assisting another to commit or attempt suicide	Imprisonment not exceeding 1 year and/or a fine not exceeding \$10,000
Criminal Law	3-202	Assault in the first degree	Imprisonment not exceeding 25 years
Criminal Law	3-203	Assault in the second degree (of a law enforcement officer engaged in the performance of the officer's official duties)	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Criminal Law	3-213	Attempted poisoning	Imprisonment for not less than 2 years and not exceeding 10 years
Criminal Law	3-214	Contaminating water supply or food or drink	Imprisonment not exceeding 20 years

Code	Statutory Cite	Felony	Penalty
Criminal Law	3-303	Rape in the first degree	Imprisonment not exceeding life (if in conjunction with kidnapping or if the person has a prior first degree rape or first degree sexual offense conviction there is no possibility of parole); Imprisonment not less than 25 years and not exceeding life without the possibility of parole if the person is over 18 and the victim is a child under the age of 13
Criminal Law	3-304	Rape in the second degree	Imprisonment not exceeding 20 years or imprisonment not less than 5 years and not exceeding 20 years (if person is 18 years or older and the victim is a child under the age of 13)
Criminal Law	3-305	Sexual offense in the first degree	Imprisonment not exceeding life (if in conjunction with kidnapping or if the person has a prior first degree rape or first degree sexual offense conviction there is no possibility of parole); Imprisonment not less than 25 years and not exceeding life without the possibility of parole if the person is over 18 and the victim is a child under the age of 13
Criminal Law	3-306	Sexual offense in the second degree	Imprisonment not exceeding 20 years or imprisonment not less than 5 years and not exceeding 20 years (if person is 18 years or older and the victim is a child under the age of 13)
Criminal Law	3-307	Sexual offense in the third degree	Imprisonment not exceeding 10 years
Criminal Law	3-309	Attempted rape in the first degree	Imprisonment not exceeding life
Criminal Law	3-310	Attempted rape in the second degree	Imprisonment not exceeding 20 years
Criminal Law	3-311	Attempted sexual offense in the first degree	Imprisonment not exceeding life

Code	Statutory Cite	Felony	Penalty
Criminal Law	3-312	Attempted sexual offense in the second degree	Imprisonment not exceeding 20 years
Criminal Law	3-315	Continuing course of conduct with child	Imprisonment not exceeding 30 years (sentence may be separate from and consecutive to or concurrent with a sentence imposed for sexual abuse of a minor)
Criminal Law	3-321	Sodomy	Imprisonment not exceeding 10 years
Criminal Law	3-323	Incest	Imprisonment for not less than 1 year and not exceeding 10 years
Criminal Law	3-324	Sexual solicitation of minor	Imprisonment not exceeding 10 years and/or a fine not exceeding \$25,000
Criminal Law	3-402	Robbery	Imprisonment not exceeding 15 years
Criminal Law	3-403	Robbery with dangerous weapon	Imprisonment not exceeding 20 years
Criminal Law	3-405	Carjacking	Imprisonment not exceeding 30 years
Criminal Law	3-502	Kidnapping	Imprisonment not exceeding 30 years
Criminal Law	3-503	Child kidnapping	Imprisonment not exceeding 20 years/Imprisonment not exceeding 30 years (if person by force or fraud, kidnaps, steals, takes, or carries away a child under the age of 16)/Imprisonment not exceeding life without possibility of parole if person is also convicted of rape or a first degree sexual offense in the same proceeding

Code	Statutory Cite	Felony	Penalty
Criminal Law	3-601	Child abuse	If the person has been convicted of a previous violation of child abuse: Imprisonment not exceeding 25 years or imprisonment not exceeding 30 years (if the violation results in the death of the victim). For first time offenders: First degree: Imprisonment not exceeding 25 years (not exceeding 30 years if violation results in the death of the victim)/Second degree: Imprisonment not exceeding 15 years.
Criminal Law	3-602	Sexual abuse of a minor	Imprisonment not exceeding 25 years
Criminal Law	3-604	Abuse or neglect of a vulnerable adult in the first degree	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	3-701	Extortion generally (property valued at \$500 or more)	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Criminal Law	3-702	Extortion by State or local government officer or employee (property valued at \$500 or more)	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000. Notwithstanding any pardon, the convicted individual shall be barred permanently from employment by the State or by a county, municipal corporation, bicounty agency or multicounty agency
Criminal Law	3-703	Inducing another to give up compensation	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000
Criminal Law	3-705	Extortion by verbal threat	Imprisonment for not less than 2 years and not exceeding 10 years
Criminal Law	3-706	Extortion by written threat	Imprisonment for not less than 2 years and not exceeding 10 years
Criminal Law	3-805.1	Dissemination of spam in certain instances	Imprisonment not exceeding 1 year and/or a fine note exceeding \$5,000

Code	Statutory Cite	Felony	Penalty
Criminal Law	4-103	Disarming a law enforcement officer	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	4-404	Use of machine gun in crime of violence	Imprisonment not exceeding 20 years
Criminal Law	4-503	Manufacture or possession of destructive device	Imprisonment not exceeding 25 years and/or a fine not exceeding \$250,000
Criminal Law	5-602 – 5-606	Controlled dangerous substance offenses	In general: Imprisonment not exceeding 5 years and/or a fine not exceeding \$15,000 (repeat offenders shall be sentenced to imprisonment for not less than 2 years). Separate penalties for certain drugs, including enhanced penalties for repeat offenders.
Criminal Law	5-613	Controlled dangerous substances offenses committed by a drug kingpin	Imprisonment for not less than 20 years and not exceeding 40 years without the possibility of parole and/or a fine not exceeding \$1,000,000
Criminal Law	5-614	Importing certain controlled dangerous substances	Imprisonment not exceeding 25 years and/or a fine not exceeding \$50,000
Criminal Law	5-614	Importing certain amounts of marijuana	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	5-617	Distributing faked controlled dangerous substance	Imprisonment not exceeding 5 years and/or a fine not exceeding \$15,000
Criminal Law	5-621	Possession of firearm during commission of a drug trafficking crime	Imprisonment for not less than 5 years and not exceeding 20 years (for a first violation) or imprisonment for not less than 10 years and not exceeding 20 years (subsequent violations). Penalties are in addition to the sentence provided for the drug trafficking crime
Criminal Law	5-622	Possession of certain firearms by persons convicted of certain crimes	Imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000

Code	Statutory Cite	Felony	Penalty
Criminal Law	5-623	Crimes related to the receiving and use of the proceeds of drug crimes	Imprisonment not exceeding 5 years and/or a fine not exceeding the greater of \$250,000 or twice the value of the proceeds involved in the financial transaction (first violation) or imprisonment not exceeding 10 years and/or a fine not exceeding the greater of \$500,000 or 5 times the value of the involved proceeds (subsequent violation)
Criminal Law	5-627	Controlled dangerous substance near school	Imprisonment not exceeding 20 years and/or a fine not exceeding \$20,000 (first offense) or imprisonment for not less than 5 years and not exceeding 40 years and/or a fine not exceeding \$40,000 (subsequent offenses)
Criminal Law	5-628	Use of a minor in drug activities	Imprisonment not exceeding 20 years and/or a fine not exceeding \$20,000 (first offense) or imprisonment for not less than 5 years and not exceeding 40 years and/or a fine not exceeding \$40,000 (subsequent offenses)
Criminal Law	5-903	Use of false registration in manufacturing or distributing a controlled dangerous substance	Imprisonment not exceeding 10 years and/or a fine not exceeding \$100,000
Criminal Law	5-904	Willfully distributing certain controlled dangerous substance	Imprisonment not exceeding 10 years and/or a fine not exceeding \$100,000
Criminal Law	6-102	Arson in the first degree	Imprisonment not exceeding 30 years and/or a fine not exceeding \$50,000
Criminal Law	6-103	Arson in the second degree	Imprisonment not exceeding 20 years and/or a fine not exceeding \$30,000
Criminal Law	6-104	Malicious burning of personal property in the first degree	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000

Code	Statutory Cite	Felony	Penalty
Criminal Law	6-202	Burglary in the first degree	Imprisonment not exceeding 20 years
Criminal Law	6-203	Burglary in the second degree	Imprisonment not exceeding 15 years or imprisonment not exceeding 20 years and/or a fine not exceeding \$10,000 (for breaking and entering with the intent to steal a firearm)
Criminal Law	6-204	Burglary in the third degree	Imprisonment not exceeding 10 years
Criminal Law	6-207	Burglary with destructive device	Imprisonment not exceeding 20 years
Criminal Law	6-208	Breaking and entering a research facility	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000
Criminal Law	6-502	Interference with railroad	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Criminal Law	7-104	Theft of property or services with a value of \$500 or more	Imprisonment not exceeding 15 years and/or a fine not exceeding \$25,000 and the convicted individual must restore the property taken to the owner or pay the owner the value of the property or services
Criminal Law	7-105	Motor vehicle theft	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000 and the convicted individual must restore the motor vehicle or pay to the owner the full value of the motor vehicle
Criminal Law	7-302	Unauthorized access to computers and related material in certain instances when the amount of loss is \$10,000 or more	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000

Code	Statutory Cite	Felony	Penalty
Criminal Law	7-315	Offenses related to the possession, use, manufacture, distribution, transfer, sale, promotion, etc. of unlawful telecommunication devices or access codes (if violation involves more than 100 devices or codes)	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	8-103	Obtaining property or services by bad check (in certain instances)	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-205	Credit card counterfeiting	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-206	Obtaining property by counterfeiting, theft, or misrepresentation (if value exceeds \$500)	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-207	Fraud—honoring stolen or counterfeit card; false representation to issuer (if value exceeds \$500)	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-208	Completing credit card without consent; possessing contrivance to reproduce credit card without consent	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-209	Receiving property by stolen, counterfeit, or misrepresented credit card (if value exceeds \$500)	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-214	Unauthorized use or disclosure of credit card information	Imprisonment not exceeding 15 years and/or a fine not exceeding \$1,000
Criminal Law	8-301	Identify fraud (obtaining personal identifying information without consent or assuming the identity of another)	If the benefit, credit, good, service, etc. has a value of \$500 or greater: Imprisonment not exceeding 15 years and/or a fine not exceeding \$25,000
Criminal Law	8-301	Identity fraud (when circumstances reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent)	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000

Code	Statutory Cite	Felony	Penalty
Criminal Law	8-509-8-515	Certain violations related to Medicaid fraud	Imprisonment not exceeding life and/or a fine not exceeding \$200,000 (if violation results in the death of an individual)/Imprisonment not exceeding 20 years and/or a fine not exceeding \$100,000 (if violation results in a serious injury)/Imprisonment not exceeding 5 years and/or a fine not exceeding \$100,000 (if value of the money, goods, services, etc. involved is \$500 or more in the aggregate)
Criminal Law	8-601	Counterfeiting of private instruments and documents	Imprisonment not exceeding 10 years and/or a fine not exceeding \$1,000
Criminal Law	8-602	Issuing counterfeit private instruments and documents	Imprisonment not exceeding 10 years and/or a fine not exceeding \$1,000
Criminal Law	8-604	Counterfeiting U.S. currency with intent to defraud	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	8-605	Counterfeiting of public documents	Imprisonment for not less than 2 years and not exceeding 10 years
Criminal Law	8-609	Counterfeiting of orders for money or goods	Imprisonment for not less than 2 years and not exceeding 10 years
Criminal Law	8-611	Trademark counterfeiting if value is \$1,000 or more	Imprisonment not exceeding 15 years and/or a fine not exceeding \$10,000
Criminal Law	8-801	Exploitation of vulnerable adults (when value of property is \$500 or greater)	Imprisonment not exceeding 15 years and/or a fine not exceeding \$10,000 and the convicted individual shall restore the property taken or its value to the owner or the owner's estate
Criminal Law	9-302	Inducing false testimony or avoidance of a subpoena in a proceeding involving a crime of violence or certain controlled dangerous substance offenses	Imprisonment not exceeding 20 years

Code	Statutory Cite	Felony	Penalty
Criminal Law	9-303	Retaliation for testimony in a proceeding involving a crime of violence or certain controlled dangerous substance offenses	Imprisonment not exceeding 20 years
Criminal Law	9-305	Intimidating or corrupting a juror in a proceeding involving a crime of violence or certain controlled dangerous substance offenses	Imprisonment not exceeding 20 years
Criminal Law	9-404	Escape in the first degree	Imprisonment not exceeding 10 years and/or a fine not exceeding \$20,000
Criminal Law	9-413	Delivering contraband to place of confinement to aid an escape	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Criminal Law	9-414	Delivering a weapon to place of confinement	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Criminal Law	9-504	False statement concerning destructive device or toxic material	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	9-505	Representation of destructive device	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	9-702	Injury to or interference with property—Acting with intent to hinder defense-related activity	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	9-703	Defective workmanship—Acting with intent to hinder defense-related activity	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000
Criminal Law	9-804	Participation in criminal gang	Imprisonment not exceeding 10 years and/or a fine not exceeding \$100,000 (not exceeding 20 years and/or a fine not exceeding \$100,000 if the commission of the underlying crime results in the death of a victim)
Criminal Law	10-304	Hate crimes	Imprisonment not exceeding 10 years and/or a fine not exceeding \$10,000 (if a separate crime that is a felony is involved)/Imprisonment not exceeding 20 years and/or a fine not exceeding \$20,000 (if the crime results in the death of the victim)

Code	Statutory Cite	Felony	Penalty
Criminal Law	10-502	Bigamy	Imprisonment not exceeding 9 years
Criminal Law	10-605	Attendance at a dogfight or cockfight	Imprisonment not exceeding 1 year and/or a fine not exceeding \$2,500
Criminal Law	10-606	Aggravated cruelty to animals (in general)	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Criminal Law	10-607	Certain activities related to dogfights	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Criminal Law	10-608	Certain activities related to cockfights	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Criminal Law	10-620	Interference with race horse	Imprisonment of not less than 1 year and not exceeding 3 years
Criminal Law	11-207	Child pornography	Imprisonment not exceeding 10 years and/or a fine not exceeding \$25,000 (for a first offense) or imprisonment not exceeding 20 years and/or a fine not exceeding \$50,000 (for subsequent violations)
Criminal Law	11-303	Pandering involving a minor	Imprisonment not exceeding 25 years and/or a fine not exceeding \$5,000
Criminal Procedure	11-721	Knowing failure of certain offenders to register or provide notice, or to provide false information (second or subsequent offense)	Imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000
Election Law	16-202	Voting by person convicted of felony/rendered ineligible to vote	Imprisonment for not less than 1 year nor more than 5 years
Election Law	16-302	Tampering with election records	Imprisonment for not less than 1 year nor more than 5 years
Election Law	16-304	Adding or deleting votes or provisional ballots	Imprisonment for not less than 1 year nor more than 5 years
Election Law	16-601	False certificate or statement of result of an election by an election judge or official	Imprisonment for not less than 1 year nor more than 10 years
Election Law	16-701	Defacing or removing records	Imprisonment for not less than 1 year nor more than 10 years
Election Law	16-801	Destruction of voting equipment	Imprisonment for not less than 1 year nor more than 5 years

Code	Statutory Cite	Felony	Penalty
Election Law	16-802	Tampering with voting equipment	Imprisonment for not more than 3 years and/or a fine of not more than \$10,000
Election Law	16-803	Removal or destruction of equipment or supplies	Imprisonment for not more than 3 years and/or a fine of not more than \$10,000
Election Law	16-804	Tampering with electronic voting system	Imprisonment for not more than 10 years and/or a fine of not more than \$50,000
Environment	7-265	Certain offenses related to controlled hazardous substances	Imprisonment not exceeding 5 years and/or a fine not exceeding \$100,000
Family Law	9-305(a)	Abduction of child under the age of 16 by a relative who is not the lawful custodian (and related acts)	Imprisonment not exceeding 1 year and/or a fine not exceeding \$1,000 (for violations that are more than 30 days)
Family Law	9-305(b)	Abduction of child under the age of 16 by a relative who is not the lawful custodian (and related acts) to a place that is outside the United States or a territory of the United States	Imprisonment not exceeding 3 years and/or a fine not exceeding \$5,000
Financial Institutions	5-803	Knowing and willful false statement or false entry in its records by an officer, director, or employee of a bank, trust company, or savings bank	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Financial Institutions	6-903	Knowing and willful false statement or false entry in its records by an officer, director, or employee of a credit union	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
Financial Institutions	11-523	Willful violation of provision of subtitle relating to mortgage lenders	Imprisonment not exceeding 10 years and/or a fine not exceeding \$50,000
Financial Institutions	11-617	Willful violation of provisions of subtitle relating to mortgage originators	Imprisonment not exceeding 5 years and/or a fine not exceeding \$25,000
Financial Institutions	12-430	Knowing and willful violation of provision of the Maryland Money Transmission Act	Imprisonment not exceeding 5 years and/or a fine not exceeding \$1,000 for the first violation and not exceeding \$5,000 for each subsequent violation

Code	Statutory Cite	Felony	Penalty
Financial Institutions	12-929	Knowing and willful violation of the Maryland Debt Management Services Act	Imprisonment not exceeding 5 years and/or a fine not exceeding \$1,000 for the first violation and not exceeding \$5,000 for each subsequent violation
Health – General	19-1809	Knowing and willful operation, maintenance, or ownership of an assisted living program without a license	Imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000 (first offense) or imprisonment not exceeding 5 years and/or a fine not exceeding \$20,000 (subsequent offenses)
Health – General	20-603	Offenses relating to female genital mutilation	Imprisonment not exceeding 5 years and/or a fine not exceeding \$5,000
Health – Occupations	14-601	Practicing medicine without a license	Imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000
Human Services	5-504	Sale or purchase of food stamp program benefits (value at least \$1,000)	Imprisonment not exceeding 5 years and/or a fine not exceeding \$10,000
Insurance	27-403	Failure to return premiums/false or misleading claims	If claim or act that is the subject of the fraud has a value of \$300 or more: Liability for restoring to the victim the property taken or the value of the property taken and a fine, the maximum of which is the greater of three times the value of the claim or act that is the subject of the fraud and \$10,000 and the minimum of which is \$500, or imprisonment not exceeding 15 years or both
Insurance	27-404	Doing business with unlicensed persons	If claim or act that is the subject of the fraud has a value of \$300 or more: Liability for restoring to the victim the property taken or the value of the property taken and a fine not exceeding \$10,000 and/or imprisonment not exceeding 15 years

Code	Statutory Cite	Felony	Penalty
Insurance	27-405	Prohibitions against representations of unlicensed insurance producers or adjusters	If claim or act that is the subject of the fraud has a value of \$300 or more: Liability for restoring to the victim the property taken or the value of the property taken and a fine not exceeding \$10,000 and/or imprisonment not exceeding 15 years
Insurance	27-406	Prohibitions against false applications and statements; unregulated insurers	If claim or act that is the subject of the fraud has a value of \$300 or more: Liability for restoring to the victim the property taken or the value of the property taken and a fine not exceeding \$10,000 and/or imprisonment not exceeding 15 years
Insurance	27-407	Solicitation	If claim or act that is the subject of the fraud has a value of \$300 or more: Liability for restoring to the victim the property taken or the value of the property taken and a fine not exceeding \$10,000 and/or imprisonment not exceeding 15 years
Insurance	27-407.1	Intentional motor vehicle accident	If claim or act that is the subject of the fraud has a value of \$300 or more: Liability for restoring to the victim the property taken or the value of the property taken and a fine not exceeding \$10,000 and/or imprisonment not exceeding 15 years
Public Safety	5-133	Restrictions on possession of regulated firearms	Imprisonment for not less than 5 years, no part of which may be suspended.
Public Safety	11-114(b)	Possession of explosives other than explosives for use in firearms without license	Imprisonment not exceeding 20 years and/or a fine not exceeding \$10,000

Code	Statutory Cite	Felony	Penalty
Public Safety	11-114(c)	Sale of explosives, other than explosives for use in a firearm, to unlicensed persons	Imprisonment not exceeding 20 years and/or a fine not exceeding \$10,000
Real Property	7-407	Offenses related to mortgage fraud	In addition to restitution that shall be ordered: Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000/Imprisonment not exceeding 15 years and/or a fine not exceeding \$15,000 (if crime involves a vulnerable adult)/Imprisonment not exceeding 20 years and/or a fine not exceeding \$100,000 (if violation involves engaging or participating in a pattern of mortgage fraud)
Real Property	10-305	Willful and knowing failure to obtain and maintain a corporate surety bond or irrevocable letter of credit or to hold sums of money in an escrow account	Imprisonment not exceeding 15 years and/or a fine not exceeding \$10,000 and full restitution to the purchaser as determined by the court
Real Property	10-507	Certain violations of the Custom Home Protection Act	Imprisonment not exceeding 15 years and/or a fine not exceeding \$10,000 and restitution to the purchaser as determined by the court
State Finance and Procurement	2-305	Offenses related to certain uses of facsimile signatures and seals with intent to defraud	Imprisonment not exceeding 10 years and/or a fine not exceeding \$5,000
State Finance and Procurement	11-205.1	Falsification, concealment, etc. of material facts in connection with a procurement contract	Imprisonment not exceeding 5 years and/or a fine not exceeding \$20,000
State Finance and Procurement	13-322	Violations of subtitle relating to architectural and engineering services	Imprisonment not exceeding 10 years and/or a fine not exceeding \$20,000
State Finance and Procurement	14-308	Violations related to minority business participation	Imprisonment not exceeding 5 years and/or a fine not exceeding \$20,000
Tax – General	13-1015	Willful transportation of unstamped cigarettes	Fine not exceeding \$50 per carton of cigarettes and/or imprisonment not exceeding 2 years
Transportation	5-1008	Firearms or explosives aboard aircraft	Imprisonment not exceeding 10 years

Code	Statutory Cite	Felony	Penalty
Transportation	20-102	Failing to remain at the scene of an accident resulting in bodily injury or death	Imprisonment for not more than 5 years and/or a fine of not more than \$5,000 (for serious bodily injury) or imprisonment for not more than 10 years and/or a fine of not more than 10 years
Transportation	20-110	Unlawful procurement or disclosure of motor vehicle accident report	Imprisonment not exceeding 15 years and/or a fine not exceeding \$10,000
Article 2B/Alcoholic Beverages	16-506.1	Out-of-state unlicensed sellers of alcohol	Imprisonment not exceeding 2 years and/or a fine not exceeding \$1,000

Source: Maryland Annotated Code

Professional Licensure Felony Conviction Restrictions in Maryland

Occupation	Restrictions for Criminal Records	Code Sections
Accountant	License may be denied, revoked, suspended if under the laws of the United State or of any state, is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice certified public accountancy.	Business Occupations § 2-315
Acupuncturists	License may be denied, revoked, suspended if is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 1A-309
Architects	License may be denied, revoked, suspended if under the laws of the United States or of any state, the applicant or licensee is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice architecture.	Business Occupations § 3-311
Assisted Living Program Staff	Have no criminal convictions or criminal history that indicates behavior that is potentially harmful to residents, as evidenced through a criminal history records check or a criminal background check.	COMAR 10.07.14.19
Associate Social Worker; Certified Social Worker; Certified Social Worker-Clinical; Graduate Social Worker	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 19-311
Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 2-314
Barbers	License may be denied, revoked, or suspended if under the laws of the United States or of any state, applicant or licensee is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice barbering.	Business Occupations § 4-314

Occupation	Restrictions for Criminal Records	Code Sections
Boxer; Kick Boxer; Wrestler; Manager; Referee, or Judge, for Boxer or Kick Boxer	May deny a license if the Secretary determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete agent. Secretary may consider whether the applicant has been convicted of a crime that, if committed in the State, would be a crime involving moral turpitude or a felony.	Business Reg § 4-405
Certified Interior Designer	License may be denied, revoked, suspended if under the laws of the United States or of any state, is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide services as an interior designer.	Business Occupations § 8-310
Check Cashing Service Providers	May suspend or revoke the license of any licensee if the licensee or any owner, director, officer, member, partner, stockholder, employee, or agent of the licensee if convicted under the laws of the United State or of any state, is of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide check cashing services.	Financial Institutions § 12-122
Chiropractors	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; or is convicted of insurance fraud.	Health Occupations § 3-313
Cosmetologist	License may be denied, revoked, or suspended if under the laws of the United States or of any state, is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice cosmetology.	Business Occupations § 5-314
Dentists; Dental Hygienists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 4-315

Occupation	Restrictions for Criminal Records	Code Sections
Developmental Disabilities Program Staff	A licensee may not employ or contract with any person who has a criminal history which would indicate behavior potentially harmful to individuals, documented through either a criminal history records check or a criminal background check.	COMAR 10.22.02.11
Electrician	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide electrical services.	Business Occupations § 6-316
Environmental Sanitarians	License may be denied, revoked, suspended if convicted or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Environment § 11-312
Equipment Operators for Towing, Road Service, and Storage of Vehicles	Permitees may not employ equipment operators under this regulation who have been convicted of (a) a felony; (b) a misdemeanor directly related to towing, road service, or storage of vehicles; (c) driving while intoxicated or under the influence of alcohol, drugs, or any controlled dangerous substance; or (d) a criminal traffic offense.	COMAR 11.07.03.08
Farm Labor Contractors	License may be denied, revoked or suspended if convicted of a felony under a law of the State or under federal law; or during the past 5 years has been convicted of a misdemeanor in connection with performing a farm labor contracting service if the misdemeanor relates to gambling; sale, distribution or possession of an alcoholic beverage; or sale, distribution or possession of a controlled dangerous substance.	Labor and Employment § 7-308
Foresters	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice forestry.	Business Occupations § 7-309
Home Improvement (Contractors & Subcontractors)	License may be denied, revoked, suspended if under the laws of the United States or of any state, is convicted of a felony that is directly related to the fitness and qualification of the applicant or licensee to engage in home improvement services.	Business Occupations § 8-311

Occupation	Restrictions for Criminal Records	Code Sections
Home Inspectors	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant, licensee, or certificate holder to provide home inspection services.	Business Occupations § 16-701.1
Landscape Architects	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice landscape architecture.	Business Occupations § 9-310
Licensed Dietician-nutritionists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty to nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 5-311
Mortgage Lenders	May suspend or revoke the license of any licensee if the licensee or any owner, director, officer, member, partner, stockholder, employee, or agent of the licensee is convicted if under the laws of the United States or of any state of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the person to engage in the mortgage lending business.	Financial Institutions § 11-517
Mortgage Originators	May suspend or revoke the license of any licensee if the licensee is convicted under the laws of the United States or of any state of a felony or a misdemeanor that is directly related to the fitness and qualification of the individual to act as a mortgage originator.	Financial Institutions § 11-615
Morticians; Apprentices; Funeral Directors	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty to nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 7-316

Occupation	Restrictions for Criminal Records	Code Sections
Nursing Home Administrators	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty to nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 9-314
Occupational Therapists; Occupational Therapy Assistants	License may be denied, revoked, suspended if applicant or licensee is convicted or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 10-315
Optometrists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 11-313
Personal Care Aides	May not have been convicted of, received probation before judgment for, or entered a plea of nolo contendere to a felony or any crime involving moral turpitude or theft, or have any other criminal history that indicates behavior which is potentially harmful to participants.	COMAR 10.09.54.06
Pharmacists; Pharmacy Technician; Pharmacy Technician Trainee	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 12-313
Physical Therapists; Physical Therapist Assistant	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 13-316

Occupation	Restrictions for Criminal Records	Code Sections
Physicians	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty to nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 14-5A-17
Pilots	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; (2) a misdemeanor that is directly related to the fitness and qualification of the applicant of licensee to provide pilotage.	Business Occupations § 11-409
Plumber; Journey Plumber; Apprentice Plumber; Natural Gas Fitter; Journeyman Natural Gas Fitter; Apprentice Natural Gas Fitter	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide plumbing services.	Business Occupations § 12-312
Podiatrists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 16-311
Polysomnographic Technologists; Radiation Oncology/Therapy Technologist; Medical Radiation Technologist; Nuclear Medicine Technologist	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 14-5C-17

Occupation	Restrictions for Criminal Records	Code Sections
Private Child Placement Agencies (employees, volunteers, governing board members)	The applying employee, volunteer, or governing board member shall be rejected if a criminal background check reveals that an applicant has a felony conviction for (a) child abuse or neglect, spousal abuse, any crime against children, rape, sexual assault, or homicide; or (b) physical assault, battery, or drug-related offense in the 5 years before the application date.	COMAR 07.05.01.09
Private Detectives	The applicant may be denied a private detective identification card if the applicant (1) has been convicted of a crime of violence, which is defined here as: (a) abduction, (b) arson, (c) burglary, including common law and all statutory and storehouse forms of burglary offenses, (d) escape, (e) housebreaking, (f) kidnapping, (g) manslaughter, excepting involuntary manslaughter, (h) mayhem, (i) murder, (j) rape, (k) robbery, (l) sodomy, or (m) an attempt to commit any of the above offenses, or assault with intent to commit any other offense for which the court sentences an individual to imprisonment for more than 1 year; (2) has been convicted of a felony.	COMAR 29.04.08.03
Private Home Detention Services Providers	License may be denied, revoked, suspended if applicant or licensee (1) has a felony conviction; or (2) knowingly employs or knowingly continues to employ a private home detention monitor after being notified by the Secretary that the individual has a felony conviction.	Business Occupations § 20-314
Professional Engineers	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice engineering.	Business Occupations § 14-317
Professional Land Surveyors	License may be denied, revoked, suspended if under the laws of the United States or of any state, is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice land surveying or property line surveying.	Business Occupations § 15-317

Occupation	Restrictions for Criminal Records	Code Sections
Psychologists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 18-313
Real Estate Appraisers	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide real estate appraisal services.	Business Occupations § 16-701
Real Estate Brokers	License may be denied, revoked, suspended if under the laws of the United States or of any state, convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant, licensee, or certificate holder to provide real estate brokerage services.	Business Occupations § 17-322
Registered Nurses; Licensed Practical Nurses; Electrologists	License may be denied, revoked, suspended if applicant or licensee is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.	Health Occupations § 8-316
Secondhand Precious Metal Object Dealers and Pawnbrokers	License may be denied, revoked, suspended if under the laws of the United States or of any state, is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the employee to be involved in a pawn transaction of the sale or acquisition of secondhand precious metals.	Business Regulation § 12-209

Occupation	Restrictions for Criminal Records	Code Sections
Security Guard	The applicant may be denied a certification card if the applicant (1) has been convicted of a crime of violence, which is defined here as: (a) abduction, (b) arson, (c) burglary, including common law and all statutory and storehouse forms of burglary offenses, (d) escape (e) housebreaking, (f) kidnapping, (g) manslaughter, excepting involuntary manslaughter, (h) mayhem, (i) murder, (j) rape, (k) robbery, (l) sodomy, or (m) an attempt to commit any of the above offenses, or assault with intent to commit any other offense for with the court sentences an individual to imprisonment for more than 1 year; (2) has been convicted of a felony; (3) has been convicted of any criminal act directly relating to the applicant's employment with a detective agency.	COMAR 29.04.01.02
Security Systems Technicians	License may be denied, revoked, suspended if pleads guilty or nolo contendere to or is convicted of a felony, theft offense, or crime of moral turpitude.	Business Occupations § 18-309
Stationary Engineer	License may be denied, revoked, suspended if under the laws of the United States or of any state, is convicted of (1) a felony; or (2) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide services as a stationary engineer.	Business Occupations § 6.5-314
Teachers and other Personnel (Elementary and Secondary Education)	A county board may not knowingly hire or retain any individual who has been convicted of a crime involving (1) an offense under § 3-307 of the Criminal Law Article; (2) child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in this State; or (3) a crime of violence as defined in § 14-101 of the Criminal Law Article, or an offense under the laws of another state that would be in violation of § 14-101 of the criminal Law Article if committed in this State.	Education § 6-113

Occupation	Restrictions for Criminal Records	Code Sections
Uniformed Correctional Officers	A correctional officer or applicant is not eligible for certification if the applicant has (1) a felony conviction for: aggravated assault; murder or manslaughter; robbery; arson; kidnapping; a handgun or weapon-related violation; a first, second, or third degree sexual offense; or two or more felonies not arising from the same incident; (2) a conviction for an offense that resulted in incarceration when less than 10 years have elapsed since the applicant was released from incarceration or terminated from parole and probation, whichever last occurred; (3) a misdemeanor conviction that resulted in incarceration when less than 5 years have elapsed since the applicant was released from incarceration or terminated from parole or probation, whichever has last occurred; or (4) three or more misdemeanor convictions, except convictions for minor traffic violations, arising out of separate occurrences if at least one misdemeanor was for an offense involving violence or moral turpitude and a term of imprisonment was served	COMAR 29.04.01.02
Veterinarian	License may be denied, revoked, suspended if convicted of a felony or a crime involving moral turpitude; convicted of violation of Title 5, subtitle 4 of the Criminal Law Article or a controlled substance as defined by 21 U.S.C. § 812.	Agriculture § 2-310
Veterinary Technician	License may be denied, revoked, suspended, revoked if (1) convicted of felony or crime of moral turpitude; or (2) is convicted of a violation of any federal or State law relating to narcotic drugs.	Agriculture § 2-309

COMAR: Code of Maryland Regulations

Source: Maryland Annotated Code and COMAR

Consideration of Criminal Record in Licensing and Employment

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
Alabama				X
Alaska				X
Arizona	Cannot be barred from public employment 'solely because of' conviction or, if civil rights restored, from licensure; in both cases, offense must have 'reasonable relationship' to employment or occupation.			
Arkansas		Conviction may be considered but may not bar; 5 years following completion of sentence is 'prima facie evidence of rehabilitation.' Reasons in writing.		
California		A board may suspend or revoke a license if crime is 'substantially related' to the qualifications, functions, or duties of the business or profession; board must take into account evidence of rehabilitation.	General non-discrimination law bars consideration of judicially expunged offense, or misdemeanor.	
Colorado	Conviction 'in and of itself' does not bar, but it may be considered; several professions exempted.			
Connecticut	May not deny solely on conviction, must consider nature of crime, time elapsed, rehabilitation. Reasons in writing. May not deny based on pardoned offense.			
Delaware		Crime must be 'substantially related' to the profession or occupation at issue.		
District of Columbia				X

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
Florida	Cannot be barred from public employment 'solely because of' conviction or, if civil rights restored, from licensure; in both cases, offense must be 'directly related' to employment or occupation. Additional treatment requirements for drug offenders.		Licensing boards may not reject based on conviction if the person's civil rights have been restored, unless offense conduct is 'directly related' to license.	
Georgia				X
Hawaii	Crime within 10 years may be considered if rational relationship to job or occupation; exceptions for healthcare, corrections, and law enforcement. Arrest records may not be considered at all.			
Idaho		Set-aside upon successful completion of probation, rights restored.		
Illinois			Human Rights Act prohibits discrimination based on conviction only if expunged or sealed.	
Indiana		Conviction may be considered, but not sole basis.		
Iowa				X
Kansas				X
Kentucky	Conviction not a bar to public employment or licensing; disqualification permissible if crime punishable by term of imprisonment, or if 'directly related' to job or license; factors to be considered in determining relationship listed			

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
Louisiana	Conviction must 'directly relate' to employment or occupation; reasons in writing, subject to review; exceptions listed.			X
Maine		May not consider convictions more than 3 years old, or which call for less than a year in prison. Certain professional (medical, nursing) have 10-year expiration period.		
Maryland				X
Massachusetts		Employers may not inquire into misdemeanor convictions more than 5 years old or arrest records.	Licensing agencies may not qualify based on pardoned conviction alone.	
Michigan		Agency may consider conviction in character inquiry, but applicant may rebut.		
Minnesota	Must be 'direct relationship' between occupation or license and conviction history <u>and</u> individual has not shown 'sufficient rehabilitation and present fitness to perform' the duties of the public employment or licensed occupation. Rehabilitation established by 1 year without arrest after release, or successful completion of probation or parole.			
Mississippi				X

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
Missouri	Conviction must be 'reasonably related' to employment or occupation; license may not be denied 'primarily' because of conviction where sentence fully discharged. Conviction 'some evidence of an absence of good moral character' by board shall also consider the nature and date of crime, evidence of good character.			
Montana		Conviction shall not operate as bar, but may be considered.		
Nebraska				X
Nevada				X
New Hampshire			Inquiry on annulled offenses limited.	
New Jersey		Licensing authorities may not 'discriminate' on grounds of conviction unless reasonably related to occupation; reasons in writing.		
New Mexico	May be disqualified if conviction related directly to the position sought; or if the board finds not sufficiently rehabilitated. Teaching or childcare excepted. 3 years post-release or completion of parole or probation 'creates a presumption of rehabilitation.' Must state reasons in writing.			
New York	Prohibits discrimination based on conviction. Must be direct relationship and unreasonable risk to property or safety. Entitled to reasons.			
North Carolina				X

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
North Dakota		Licenses for most professions and occupation may be denied only if offense has direct bearing, or if insufficient rehabilitation; Factors to be considered include nature of offense, evidence of rehabilitation, and date of offense (5 years deemed prima facie evidence of rehabilitation). Written statement of reasons if denied in whole or in part because of conviction.		
Ohio			May be questioned about sealed conviction only if it bears direct and substantial relationship to the position.	
Oklahoma			No public or private employer may ask about or consider a sealed conviction.	
Oregon		May no bar solely on grounds of conviction; may consider facts of conviction and all intervening circumstances in determining the fitness of the person.		
Pennsylvania	Felony and misdemeanor convictions may be considered only to the extent they related to the applicant's suitability for employment in the position for which he has applied.			

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
Rhode Island				Prohibits inquiries about arrests as unlawful employment practice, but specifically permits inquiries about convictions.
South Carolina		Conviction must 'directly relate' to occupation or profession.		X
South Dakota				X
Tennessee				X
Texas		Discipline permissible if conviction 'directly relates' to occupation or profession.		X
Utah			Proper to ask about felony conviction only if job related.	
Vermont				X
Virginia		Conviction must 'directly relate' to occupation or profession; criteria for determining relationship listed, including age of offense and age at commission, evidence of rehabilitation; notification required.		X
Washington	May consider a conviction only if within the last 10 years and the crime 'directly relates' to the employment or license sought. Several exceptions.			
West Virginia				X

State	Regulation of Licensing and Public Employment	Regulation of Licensing Only	Limited Regulation	No General Regulation of Licensing or Employment
Wisconsin	Fair Employment Act bars discrimination by public employers, licensing boards, unless crime 'substantially relates' to the particular job or licensed activity.			
Wyoming				X
<i>Federal</i>		10 year limitation for selected felonies in regulated banking and transportation industries; pardon or expungement also waives.		

Source: Margaret Colgate Love, *Relief from the Collateral Consequences of a Criminal Conviction: A State-by-State Resource Guide* (2006).