

## Department of Public Safety and Correctional Services

### Office of the Secretary

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STATE OF MARYLAND

October 17, 2018

LARRY HOGAN  
GOVERNOR

The Honorable Larry Hogan  
State House  
100 State Circle  
Annapolis, Maryland 21401

BOYD K. RUTHERFORD  
LT. GOVERNOR

STEPHEN T. MOYER  
SECRETARY

The Honorable Thomas V. Mike Miller, Jr.  
President  
Senate of Maryland  
State House, H-107  
100 State Circle  
Annapolis, Maryland 21401

WILLIAM G. STEWART  
DEPUTY SECRETARY  
ADMINISTRATION

J. MICHAEL ZEIGLER  
DEPUTY SECRETARY  
OPERATIONS

DAVID N. BEZANSON  
ASSISTANT SECRETARY  
CAPITAL PROGRAMS

The Honorable Michael E. Busch  
Speaker  
Maryland House of Delegates  
State House, H-101  
100 State Circle  
Annapolis Maryland 21401

RE: Report required by HB 1597/Ch. 796, 2018, MSAR 11794

Dear Governor Hogan, President Miller and Speaker Busch:

Pursuant to House Bill 1597, Ch. 796, 2018, the Department of Public Safety and Correctional Services (DPSCS) is required to submit a report on information relating to the denial of occupational licenses and certificates. The statute specially states:

*On or before October 1, 2018, the Department of Agriculture, the Department of the Environment, the Maryland Department of Health, the Department of Human Services, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, disaggregated by year, regarding:*

- (1) how many applications for an occupational license or certificate were received during the preceding 5 years;*
- (2) of the applications received under item (1) of this section, how many applicants had a criminal record that would be applicable under § 1-209 of the Criminal Procedure Article;*

(3) of the applications described under item (2) of this section:

(i) how much time had passed since the criminal conviction; and

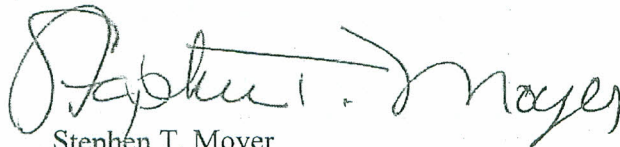
(ii) how many applications were denied on the basis that the applicant had previously been convicted of a crime; and

(4) of the applications denied under item (3) (ii) of this section, under which specific exemption in § 1-209(d) of the Criminal Procedure Article the license or certificate was denied.

Attached is the Department's submission in satisfaction of the reporting requirements.

I hope this letter and the attachment meet with your approval. If the Department or I can be of further assistance, please do not hesitate to contact me or the Director of Legislative Affairs, Rachel Sessa at 410-339-5022.

Sincerely,



Stephen T. Moyer  
Secretary

Attachment

cc:

Ms. Sarah Albert, Department of Legislative Services  
Mr. Matthew Clark, Chief of Staff, Governor's Office  
Mr. Christopher Shank, Governor's Chief Legislative Officer  
Ms. Cara Sullivan, Governor's Deputy Legislative Officer



DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONAL SERVICES

Report on Occupational Licenses  
and Certificates

October 2018

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor  
Stephen T. Moyer, Secretary



## INTRODUCTION

Pursuant to House Bill 1597, Ch. 796, 2018, the Department of Public Safety and Correctional Services is required to submit a report to the Governor and General Assembly on information related to the denial of occupational licenses or certificates. The statute specifically states:

*That on or before October 1, 2018, the Department of Agriculture, Department of Health, Department of Environment, Department of Human Services, Department of Labor, Licensing and Regulation, and Department of Public Safety and Correctional Services shall report to the Governor and, in accordance with Section 2-2146 of the State Government Article, the General Assembly, disaggregated by year, regarding:*

- (1) how many applications for an occupational license or certificate were received during the preceding 5 years;*
- (2) of the applications received under item (1) of this section, how many applicants had a criminal record that would be applicable under Section 1-209 of the Criminal Procedure Article;*
- (3) of the applications described under item (2) of this section:
  - (i) how much time had passed since the criminal conviction; and*
  - (ii) how many applications were denied on the basis that the applicant had previously been convicted of a crime; and**
- (4) of the applications denied under item (3)(ii) of this section, under which specific exemption in Section 1-209(d) of the Criminal Procedure Article the license or certificate was denied.*

## OVERVIEW

The Justice Reinvestment Act mandated that the Department of Public Safety and Correction Services issue a certificate of rehabilitation to applicants who meet certain specified criteria. The Division of Parole and Probation (DPP) began accepting applications for certificates of rehabilitation on behalf of the Department on October 1, 2017, the date upon which the Justice Reinvestment Act became effective.

The criteria for the issuance of a certificate of rehabilitation are codified in Correctional Services Article, § 7-104. Specifically, the Department shall issue a certificate of rehabilitation provided that the individual who applies for one:

1. was not convicted of a crime of violence as defined in § 14-101 of the Criminal Law Article OR of a sexual offense that requires the individual to register as a sexual offender under Title 11, Subtitle 7 of the Criminal Procedure Article;
2. was supervised by the Division of Parole and Probation under conditions of parole, probation, or mandatory release supervision;

3. has completed all special and general conditions of supervision including paying all required restitution, fines, fees and other payment obligations; and
4. is no longer under the jurisdiction of the Division of Parole and Probation.

Since October 1, 2017, the Division of Parole and Probation has received a total of seven applications for certificates of rehabilitation from individuals who were no longer under probation, parole, or mandatory release supervision. Six of the seven applications received were investigated by Parole and Probation Agents to determine whether the applicant satisfied all criteria of Correctional Services Article, § 7-104. One application is currently under investigation.

As a result of the six completed investigations, the Division of Parole and Probation has issued three certificates of rehabilitation and denied issuance of a certificate to the other 3 applicants. Of those three denied applications, two were denied because the applicants failed to pay all required restitution, fines, and fees. The third application was denied due to the applicant's prior conviction for a crime of violence.

With regard to the two applicants who were denied certificates due to outstanding restitution, fines, and fees, those applicants may reapply once they have satisfied the outstanding payment obligations.

