

# SENATE BILL 698

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CF 8lr1144

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By: **Senator Gladden**

Introduced and read first time: February 1, 2008

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Occupational Licenses or Certificates – Issuance of a**  
3 **Certificate of Relief from Disabilities**

4 FOR the purpose of requiring a certain parole and probation agent, at the request of a  
5 sentencing court, to provide a certain report on granting a certain certificate of  
6 relief from disabilities to a certain offender; establishing the policy of the State  
7 to encourage the employment of nonviolent ex-offenders and to provide a  
8 process for ex-offenders to demonstrate fitness for occupational licenses or  
9 certificates required by the State; requiring certain State departments that  
10 issue certain occupational licenses or certificates to follow certain procedures in  
11 deciding whether to issue a license or certificate to a certain applicant who  
12 presents a certain certificate of relief from disabilities; on the request of a  
13 certain offender, authorizing a circuit court, the District Court, a review panel  
14 of three circuit judges, or the Maryland Parole Commission to issue a certain  
15 certificate to an offender convicted of a nonviolent offense; authorizing a court or  
16 review panel to issue a certain certificate or to order the Division of Parole and  
17 Probation to conduct an investigation and recommend whether the court or  
18 review panel should issue a certain certificate to an eligible offender;  
19 authorizing the Commission to issue a certain certificate if an offender is on  
20 parole or mandatory supervision; authorizing the Commission, under certain  
21 circumstances, to issue a certain certificate of relief from disabilities to an  
22 offender who is under the supervision of the Commission through the authority  
23 of the Interstate Compact on Adult Offender Supervision; establishing certain  
24 requirements for a court, review panel, or the Commission to consider in issuing  
25 a certain certificate; authorizing a court, review panel, or the Commission to  
26 limit the scope of a certain certificate or issue a new certificate expanding its  
27 scope; authorizing a court, review panel, or the Commission to revoke the  
28 certificate under certain conditions; requiring an offender to surrender a  
29 revoked certificate on written notification by the issuing court, review panel, or  
30 the Commission; establishing that a certain certificate is a temporary certificate  
31 until a certain offender is discharged from parole or mandatory supervision;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 authorizing the Commission to revoke a temporary certificate for certain  
2 violations after holding a certain hearing on the violation; requiring the  
3 Commission to issue a permanent certificate on discharge of the eligible  
4 offender from parole or mandatory supervision under certain conditions;  
5 establishing the offense of the knowing use of a revoked certificate; establishing  
6 certain penalties; requiring certain State departments to follow,  
7 notwithstanding any other provision of law, certain procedures in the  
8 consideration of an application for an occupational license or certificate of an  
9 applicant who has been convicted of a felony or misdemeanor under federal or  
10 State law; prohibiting a department from denying an occupational license or  
11 certificate to a certain applicant who has a certain certificate of relief from  
12 disabilities, with certain exceptions; authorizing a department to deny an  
13 occupational license or certificate to an applicant with a certain certificate  
14 under certain circumstances; requiring a department to consider certain factors  
15 in making a certain determination; requiring a department to follow certain  
16 procedures to give an applicant notice and an opportunity to be heard if the  
17 department denies a certain applicant an occupational license or certificate  
18 under certain circumstances; establishing that this Act does not affect a  
19 defendant's right to collaterally attack a conviction; establishing that a certain  
20 certificate may not limit or prevent the introduction of certain evidence to  
21 impeach a witness; providing that the existence of a certain certificate makes  
22 the underlying conviction inadmissible in certain actions alleging certain  
23 negligence in hiring or licensing a certain individual under certain  
24 circumstances; providing for the admissibility of evidence of the issuance of a  
25 certain certificate to prove the due care of a certain individual or department  
26 under certain circumstances; defining certain terms; and generally relating to  
27 occupational licenses or certificates and the issuance of a certificate of relief  
28 from disabilities.

29 BY repealing and reenacting, with amendments,  
30 Article – Correctional Services  
31 Section 6–112(a)(1)  
32 Annotated Code of Maryland  
33 (1999 Volume and 2007 Supplement)

34 BY repealing and reenacting, without amendments,  
35 Article – Criminal Law  
36 Section 14–101(a)  
37 Annotated Code of Maryland  
38 (2002 Volume and 2007 Supplement)

39 BY adding to  
40 Article – Criminal Procedure  
41 Section 6–301 through 6–309 to be under the new subtitle “Subtitle 3.  
42 Certificate of Relief from Disabilities”  
43 Annotated Code of Maryland  
44 (2001 Volume and 2007 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article – Criminal Procedure  
3 Section 8–105(c)  
4 Annotated Code of Maryland  
5 (2001 Volume and 2007 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Correctional Services**

9 6–112.

10 (a) (1) On request of a court, a parole and probation agent of the Division  
11 shall:

12 (i) provide the court with a presentence investigation report  
13 **THAT MAY INCLUDE A REPORT ON GRANTING THE DEFENDANT A CERTIFICATE**  
14 **OF RELIEF FROM DISABILITIES IN ACCORDANCE WITH TITLE 6, SUBTITLE 3 OF**  
15 **THE CRIMINAL PROCEDURE ARTICLE;**

16 (ii) conduct other investigations; and

17 (iii) perform other probationary services.

18 **Article – Criminal Law**

19 14–101.

20 (a) In this section, “crime of violence” means:

21 (1) abduction;

22 (2) arson in the first degree;

23 (3) kidnapping;

24 (4) manslaughter, except involuntary manslaughter;

25 (5) mayhem;

26 (6) maiming, as previously proscribed under former Article 27, §§ 385  
27 and 386 of the Code;

28 (7) murder;

29 (8) rape;

- 1 (9) robbery under § 3–402 or § 3–403 of this article;
- 2 (10) carjacking;
- 3 (11) armed carjacking;
- 4 (12) sexual offense in the first degree;
- 5 (13) sexual offense in the second degree;
- 6 (14) use of a handgun in the commission of a felony or other crime of  
7 violence;
- 8 (15) child abuse in the first degree under § 3–601 of this article;
- 9 (16) sexual abuse of a minor under § 3–602 of this article if:
- 10 (i) the victim is under the age of 13 years and the offender is an  
11 adult at the time of the offense; and
- 12 (ii) the offense involved:
- 13 1. vaginal intercourse, as defined in § 3–301 of this  
14 article;
- 15 2. a sexual act, as defined in § 3–301 of this article;
- 16 3. an act in which a part of the offender’s body  
17 penetrates, however slightly, into the victim’s genital opening or anus; or
- 18 4. the intentional touching, not through the clothing, of  
19 the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,  
20 gratification, or abuse;
- 21 (17) an attempt to commit any of the crimes described in items (1)  
22 through (16) of this subsection;
- 23 (18) continuing course of conduct with a child under § 3–315 of this  
24 article;
- 25 (19) assault in the first degree;
- 26 (20) assault with intent to murder;
- 27 (21) assault with intent to rape;
- 28 (22) assault with intent to rob;

- 1                   (23) assault with intent to commit a sexual offense in the first degree;
- 2 and
- 3                   (24) assault with intent to commit a sexual offense in the second
- 4 degree.

5                                   **Article - Criminal Procedure**

6                                   **SUBTITLE 3. CERTIFICATE OF RELIEF FROM DISABILITIES.**

7                   **6-301.**

8                   (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

9 INDICATED.

10                   (B) “COMMISSION” MEANS THE MARYLAND PAROLE COMMISSION.

11                   (C) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14-101 OF

12 THE CRIMINAL LAW ARTICLE.

13                   (D) (1) “DEPARTMENT” MEANS:

14                                   (I) THE DEPARTMENT OF AGRICULTURE;

15                                   (II) THE DEPARTMENT OF THE ENVIRONMENT;

16                                   (III) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

17                                   (IV) THE DEPARTMENT OF HUMAN RESOURCES;

18                                   (V) THE DEPARTMENT OF LABOR, LICENSING, AND

19 REGULATION;

20                                   (VI) THE DEPARTMENT OF PUBLIC SAFETY AND

21 CORRECTIONAL SERVICES; AND

22                                   (VII) THE DEPARTMENT OF STATE POLICE.

23                   (2) “DEPARTMENT” INCLUDES ANY UNIT OF A DEPARTMENT

24 SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.

25                   (E) “ELIGIBLE OFFENDER” MEANS A PERSON WHO HAS BEEN

26 CONVICTED OF A CRIME THAT IS NOT A CRIME OF VIOLENCE.

1           (F) **“RELIEF FROM DISABILITIES” MEANS THE PERMANENT OR**  
2 **PROVISIONAL REMOVAL OF A BAR TO LICENSURE OR CERTIFICATION FOR AN**  
3 **OCCUPATION REQUIRING A LICENSE OR CERTIFICATE ISSUED BY A**  
4 **DEPARTMENT.**

5           (G) **“REVIEW PANEL” MEANS A GROUP OF THREE OR MORE CIRCUIT**  
6 **COURT JUDGES WHO CONDUCT A REVIEW PROCEEDING IN CONNECTION WITH**  
7 **AN APPLICATION FOR A REVIEW OF A SENTENCE UNDER SUBTITLE 8 OF THIS**  
8 **ARTICLE.**

9 **6-302.**

10           **IT IS THE POLICY OF THE STATE TO ENCOURAGE THE EMPLOYMENT OF**  
11 **NONVIOLENT EX-OFFENDERS AND, TOWARD THAT END, TO PROVIDE A PROCESS**  
12 **THROUGH WHICH NONVIOLENT EX-OFFENDERS MAY DEMONSTRATE FITNESS**  
13 **FOR OCCUPATIONAL LICENSES OR CERTIFICATIONS REQUIRED BY THE STATE.**

14 **6-303.**

15           (A) **THIS SECTION APPLIES TO AN APPLICATION FOR A LICENSE OR**  
16 **CERTIFICATE TO PRACTICE AN OCCUPATION OR PROFESSION THAT IS ISSUED**  
17 **BY A DEPARTMENT.**

18           (B) **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF AN**  
19 **APPLICANT FOR A LICENSE OR CERTIFICATE PRESENTS TO A DEPARTMENT A**  
20 **CERTIFICATE OF RELIEF FROM DISABILITIES, THE DEPARTMENT SHALL**  
21 **FOLLOW THE PROCEDURES SET FORTH IN § 6-307 OF THIS SUBTITLE IN**  
22 **DECIDING WHETHER TO GRANT THE LICENSE OR CERTIFICATE TO THE**  
23 **APPLICANT.**

24 **6-304.**

25           (A) (1) **ON REQUEST OF AN ELIGIBLE OFFENDER AND SUBJECT TO**  
26 **SUBSECTION (B) OF THIS SECTION, A CERTIFICATE OF RELIEF FROM**  
27 **DISABILITIES MAY BE ISSUED TO THE ELIGIBLE OFFENDER BY:**

28                           (I) **A CIRCUIT COURT OR THE DISTRICT COURT;**

29                           (II) **A REVIEW PANEL REVIEWING THE ELIGIBLE**  
30 **OFFENDER’S SENTENCE IMPOSED BY A COURT FOR A JUDGMENT OF**  
31 **CONVICTION; OR**

32                           (III) **THE COMMISSION.**

1           **(2) (I) THE COURT OR REVIEW PANEL MAY ISSUE THE**  
2 **CERTIFICATE OF RELIEF FROM DISABILITIES TO AN ELIGIBLE OFFENDER:**

- 3                   **1. AT THE TIME SENTENCE IS PRONOUNCED;**  
4                   **2. AT THE TIME OF THE REVIEW OF A SENTENCE; OR**  
5                   **3. AT ANY TIME AFTER AN EVENT SPECIFIED IN ITEM**  
6 **1 OR 2 OF THIS PARAGRAPH.**

7                   **(II) A COURT MAY ORDER THE DIVISION OF PAROLE AND**  
8 **PROBATION TO CONDUCT AN INVESTIGATION OF AN ELIGIBLE OFFENDER IN**  
9 **ACCORDANCE WITH § 6-112 OF THE CORRECTIONAL SERVICES ARTICLE AND**  
10 **RECOMMEND, BASED ON THE RESULTS OF THE INVESTIGATION, WHETHER A**  
11 **CERTIFICATE OF RELIEF FROM DISABILITIES SHOULD BE ISSUED.**

12                   **(III) A REVIEW PANEL MAY ORDER THE DIVISION OF**  
13 **PAROLE AND PROBATION TO CONDUCT AN INVESTIGATION OF THE ELIGIBLE**  
14 **OFFENDER IN ACCORDANCE WITH § 8-105(C) OF THIS ARTICLE AND**  
15 **RECOMMEND, BASED ON THE RESULTS OF THE INVESTIGATION, WHETHER A**  
16 **CERTIFICATE OF RELIEF FROM DISABILITIES SHOULD BE ISSUED.**

17           **(3) SUBJECT TO § 6-305 OF THIS SUBTITLE, THE COMMISSION**  
18 **MAY ISSUE A CERTIFICATE OF RELIEF FROM DISABILITIES TO AN ELIGIBLE**  
19 **OFFENDER:**

20                   **(I) WHO HAS BEEN COMMITTED TO THE JURISDICTION OF**  
21 **THE DIVISION OF CORRECTION:**

22                   **1. AT THE TIME THE ELIGIBLE OFFENDER IS**  
23 **RELEASED FROM A CORRECTIONAL INSTITUTION UNDER CONDITIONS OF:**

- 24                   **A. PAROLE; OR**  
25                   **B. MANDATORY SUPERVISED RELEASE; OR**  
26                   **2. AT ANY TIME AFTER AN EVENT SPECIFIED IN ITEM**  
27 **A OR B OF THIS ITEM; OR**

28                   **(II) WHOSE JUDGMENT OF CONVICTION WAS RENDERED BY**  
29 **A COURT OF ANOTHER JURISDICTION BUT:**

1                   **1. WHO NOW RESIDES IN THIS STATE UNDER THE**  
2 **SUPERVISION OF THE COMMISSION IN ACCORDANCE WITH TITLE 6, SUBTITLE 2**  
3 **OF THE CORRECTIONAL SERVICES ARTICLE; AND**

4                   **2. WHO WOULD BE ELIGIBLE FOR A CERTIFICATE OF**  
5 **RELIEF FROM DISABILITIES OR ITS EQUIVALENT IN THE STATE WHERE THE**  
6 **JUDGMENT OF CONVICTION WAS RENDERED.**

7           **(B) A COURT, A REVIEW PANEL, OR THE COMMISSION MAY NOT ISSUE A**  
8 **CERTIFICATE OF RELIEF FROM DISABILITIES UNLESS IT IS SATISFIED THAT:**

9                   **(1) THE PERSON REQUESTING THE CERTIFICATE IS AN ELIGIBLE**  
10 **OFFENDER AND HAS NOT BEEN CONVICTED OF A CRIME OF VIOLENCE; AND**

11                   **(2) THE RELIEF GRANTED BY THE CERTIFICATE IS CONSISTENT**  
12 **WITH:**

13                   **(I) THE REHABILITATION OF THE ELIGIBLE OFFENDER;**  
14 **AND**

15                   **(II) THE PUBLIC INTEREST.**

16           **(C) (1) A COURT, A REVIEW PANEL, OR THE COMMISSION MAY LIMIT**  
17 **THE SCOPE OF APPLICABILITY OF A CERTIFICATE OF RELIEF FROM**  
18 **DISABILITIES TO ONE OR MORE OCCUPATIONS OR MAY RELIEVE AN ELIGIBLE**  
19 **OFFENDER OF ALL BARS TO OCCUPATIONAL LICENSES OR CERTIFICATES.**

20                   **(2) AT ANY TIME, THE COURT, THE REVIEW PANEL, OR THE**  
21 **COMMISSION THAT HAS ISSUED A CERTIFICATE OF RELIEF FROM DISABILITIES,**  
22 **ON REQUEST OF AN ELIGIBLE OFFENDER, MAY ISSUE A NEW CERTIFICATE TO**  
23 **EXPAND THE SCOPE OF THE RELIEF PREVIOUSLY GRANTED IF THE COURT, THE**  
24 **REVIEW PANEL, OR THE COMMISSION IS SATISFIED THAT THE REQUIREMENTS**  
25 **OF SUBSECTION (B) OF THIS SECTION HAVE BEEN MET.**

26           **(D) (1) A COURT, A REVIEW PANEL, OR THE COMMISSION MAY**  
27 **REVOKE A PREVIOUSLY ISSUED CERTIFICATE OF RELIEF FROM DISABILITIES**  
28 **AND SHALL NOTIFY AN ELIGIBLE OFFENDER IN WRITING OF THE REVOCATION**  
29 **IF:**

30                   **(I) THE ELIGIBLE OFFENDER COMMITS A CRIME OF**  
31 **VIOLENCE; OR**



1                   (II) THE COURT, THE REVIEW PANEL, OR THE COMMISSION  
2 NO LONGER IS SATISFIED THAT THE REQUIREMENTS OF SUBSECTION (B) OF  
3 THIS SECTION ARE BEING MET.

4                   (2) ON WRITTEN NOTIFICATION OF THE REVOCATION OF A  
5 CERTIFICATE OF RELIEF FROM DISABILITIES, THE ELIGIBLE OFFENDER SHALL  
6 SURRENDER THE CERTIFICATE TO THE COURT, THE REVIEW PANEL, OR THE  
7 COMMISSION.

8 **6-305.**

9                   (A) IF THE COMMISSION ISSUES A CERTIFICATE OF RELIEF FROM  
10 DISABILITIES TO AN ELIGIBLE OFFENDER IN ACCORDANCE WITH § 6-304 OF  
11 THIS SUBTITLE, THE CERTIFICATE OF RELIEF FROM DISABILITIES:

12                   (1) IS A TEMPORARY CERTIFICATE UNTIL THE COMMISSION  
13 DISCHARGES THE ELIGIBLE OFFENDER FROM PAROLE OR MANDATORY  
14 SUPERVISION; AND

15                   (2) MAY BE REVOKED BY THE COMMISSION FOR VIOLATIONS OF  
16 THE CONDITIONS OF PAROLE OR MANDATORY SUPERVISION, AFTER GIVING THE  
17 ELIGIBLE OFFENDER NOTICE OF A HEARING AT WHICH THE ELIGIBLE  
18 OFFENDER IS GIVEN AN OPPORTUNITY TO EXPLAIN THE VIOLATION.

19                   (B) IF THE COMMISSION DOES NOT REVOKE THE CERTIFICATE UNDER  
20 SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL REISSUE THE  
21 CERTIFICATE AS A PERMANENT CERTIFICATE ON DISCHARGE OF THE ELIGIBLE  
22 OFFENDER FROM PAROLE OR MANDATORY SUPERVISION.

23 **6-306.**

24                   AN ELIGIBLE OFFENDER WHO KNOWINGLY USES OR ATTEMPTS TO USE A  
25 REVOKED CERTIFICATE OF RELIEF FROM DISABILITIES IS GUILTY OF A  
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
27 EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

28 **6-307.**

29                   (A) THIS SECTION APPLIES ONLY TO THE AUTHORITY OF A  
30 DEPARTMENT TO DENY A LICENSE OR CERTIFICATE TO AN APPLICANT BECAUSE  
31 OF A CONVICTION OF A FELONY OR MISDEMEANOR UNDER FEDERAL OR STATE  
32 LAW.

1           **(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A**  
2 **DEPARTMENT MAY NOT DENY AN OCCUPATIONAL LICENSE OR CERTIFICATE TO**  
3 **AN ELIGIBLE OFFENDER WHO PRESENTS TO THE DEPARTMENT A CERTIFICATE**  
4 **OF RELIEF FROM DISABILITIES ISSUED TO THE ELIGIBLE OFFENDER UNDER**  
5 **THIS SUBTITLE UNLESS THE DEPARTMENT DETERMINES THAT:**

6           **(1) THERE IS A DIRECT RELATIONSHIP BETWEEN ONE OR MORE**  
7 **OF THE ELIGIBLE OFFENDER'S PREVIOUS CONVICTIONS AND THE SPECIFIC**  
8 **OCCUPATIONAL LICENSE OR CERTIFICATE SOUGHT; OR**

9           **(2) THE ISSUANCE OF THE LICENSE OR CERTIFICATE WOULD**  
10 **INVOLVE AN UNREASONABLE RISK TO PROPERTY OR TO THE SAFETY OR**  
11 **WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.**

12           **(C) IN MAKING THE DETERMINATION UNDER SUBSECTION (B) OF THIS**  
13 **SECTION, THE DEPARTMENT SHALL CONSIDER:**

14           **(1) THE POLICY OF THE STATE EXPRESSED IN § 6-302 OF THIS**  
15 **SUBTITLE;**

16           **(2) THE SPECIFIC DUTIES AND RESPONSIBILITIES REQUIRED OF A**  
17 **LICENSEE OR CERTIFICATE HOLDER;**

18           **(3) WHETHER THE ELIGIBLE OFFENDER'S PREVIOUS**  
19 **CONVICTIONS HAVE ANY IMPACT ON THE ELIGIBLE OFFENDER'S FITNESS OR**  
20 **ABILITY TO PERFORM THE DUTIES AND RESPONSIBILITIES AUTHORIZED BY THE**  
21 **LICENSE OR CERTIFICATE;**

22           **(4) THE AGE OF THE ELIGIBLE OFFENDER AT THE TIME OF THE**  
23 **LAST CONVICTION AND THE AMOUNT OF TIME THAT HAS ELAPSED SINCE THE**  
24 **LAST CONVICTION;**

25           **(5) THE SERIOUSNESS OF ANY PREVIOUS OFFENSES FOR WHICH**  
26 **THE ELIGIBLE OFFENDER WAS CONVICTED;**

27           **(6) THE CIRCUMSTANCES AND FACTORS CONSIDERED**  
28 **CONCERNING THE ISSUANCE OF THE CERTIFICATE OF RELIEF FROM**  
29 **DISABILITIES BY A COURT, A REVIEW PANEL, OR THE COMMISSION;**

30           **(7) OTHER INFORMATION PROVIDED BY THE ELIGIBLE OFFENDER**  
31 **OR ON THE ELIGIBLE OFFENDER'S BEHALF WITH REGARD TO THE ELIGIBLE**  
32 **OFFENDER'S REHABILITATION AND GOOD CONDUCT; AND**

1           **(8) THE LEGITIMATE INTEREST OF THE DEPARTMENT IN**  
2 **PROTECTING PROPERTY AND THE SAFETY AND WELFARE OF SPECIFIC**  
3 **INDIVIDUALS OR THE GENERAL PUBLIC.**

4           **(D) IN ACCORDANCE WITH ITS PROCEDURES, A DEPARTMENT SHALL**  
5 **PROVIDE TO AN ELIGIBLE OFFENDER REASONABLE NOTICE AND AN**  
6 **OPPORTUNITY FOR A HEARING IF AN APPLICATION FOR AN OCCUPATIONAL**  
7 **LICENSE OR CERTIFICATE IS DENIED UNDER THIS SECTION.**

8 **6-308.**

9           **(A) NOTHING IN THIS SUBTITLE AFFECTS THE RIGHT OF A DEFENDANT**  
10 **TO ATTACK COLLATERALLY THE DEFENDANT'S CONVICTION FOR AN OFFENSE.**

11           **(B) THE EXISTENCE OF A CERTIFICATE OF RELIEF FROM DISABILITIES**  
12 **MAY NOT LIMIT OR PREVENT THE INTRODUCTION OF EVIDENCE OF A PRIOR**  
13 **CONVICTION FOR PURPOSES OF IMPEACHMENT OF A WITNESS IN A JUDICIAL OR**  
14 **OTHER PROCEEDING.**

15 **6-309.**

16           **(A) A CERTIFICATE OF RELIEF FROM DISABILITIES ISSUED IN**  
17 **ACCORDANCE WITH THIS SUBTITLE SHALL MAKE THE UNDERLYING CONVICTION**  
18 **FOR A NONVIOLENT OFFENSE INADMISSIBLE IN AN ACTION ALLEGING THAT A**  
19 **DEPARTMENT, A DEPARTMENTAL EMPLOYEE, OR A PRIVATE PARTY WAS**  
20 **NEGLIGENT OR OTHERWISE AT FAULT IN LICENSING, CERTIFYING, HIRING, OR**  
21 **RETAINING AN INDIVIDUAL, PROVIDED THAT THE DEPARTMENT, DEPARTMENT**  
22 **EMPLOYEE, OR PRIVATE PARTY HAD KNOWLEDGE OF THE CERTIFICATE OF**  
23 **RELIEF FROM DISABILITIES AT THE TIME OF THE ALLEGED NEGLIGENCE OR**  
24 **FAULT.**

25           **(B) A CERTIFICATE OF RELIEF FROM DISABILITIES ISSUED IN**  
26 **ACCORDANCE WITH THIS SUBTITLE IS ADMISSIBLE AS EVIDENCE OF DUE CARE**  
27 **BY ANY PERSON WHO HAD KNOWLEDGE OF THE CERTIFICATE OF RELIEF FROM**  
28 **DISABILITIES WHEN DECIDING TO LICENSE, CERTIFY, HIRE, OR RETAIN AN**  
29 **INDIVIDUAL.**

30 **8-105.**

31           **(c) (1) A review panel shall consider each application for review of a**  
32 **sentence.**

33           **(2) A review panel may require the Division of Parole and Probation to**  
34 **make investigations, reports, and recommendations.**

1                   (3)    A review panel:

2                           (i)    with or without a hearing, may decide that the sentence  
3 under review should remain unchanged; [or]

4                           (ii)   after a hearing, may order a different sentence to be imposed  
5 or served, including:

6                                   1.    an increased sentence;

7                                   2.    subject to § 8–107(c) of this subtitle, a decreased  
8 sentence;

9                                   3.    a suspended sentence to be served wholly or partly; or

10                                  4.    a sentence to be suspended with or without probation;

11   **OR**

12                                   **(III)   SUBJECT TO TITLE 6, SUBTITLE 3 OF THIS ARTICLE,**  
13 **MAY ORDER THE ISSUANCE OF A CERTIFICATE OF RELIEF FROM DISABILITIES.**

14                           (4)    In deciding to order a different sentence, the review panel may  
15 impose conditions that the review panel considers just and that could have been  
16 imposed lawfully by the sentencing court when the sentence was imposed.

17                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2008.