

BY repealing and reenacting, without amendments,

Article 27 – Crimes and Punishments

Section 641(a)(1)(i)1. and (c)

Annotated Code of Maryland

(1992 Replacement Volume and 1993 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 3–601 through 3–604, inclusive, to be under the new subtitle “Subtitle 6.
State Substance Abuse Policy”

Annotated Code of Maryland

(1993 Volume)

Preamble

WHEREAS, The State Substance Abuse Policy provides that a conviction includes a probation before judgment for purposes of imposing disciplinary actions on State employees; and

WHEREAS, The General Assembly has expressed its intent in Article 27, § 641 of the Annotated Code of Maryland that a probation before judgment may not be considered a conviction for purposes of any disqualification or disability imposed by law because of a conviction; and

WHEREAS, A court may only impose a probation before judgment for an offense if it finds that the best interests of the person and the welfare of the people of the State would be served by such an order; and

WHEREAS, One of the primary purposes of imposing probation before judgment in a case is to allow the individual to maintain employment and support dependents; and

WHEREAS, A court may impose a fine, in some counties may impose a term of imprisonment, and may require alcohol or drug education or treatment for abuse offenders who are given probation before judgment; and

WHEREAS, The State Substance Abuse Policy also allows the State to impose sanctions on employees in nonsensitive classifications or positions for offenses not occurring on the workplace and not related to job performance; and

WHEREAS, State employees in nonsensitive classifications or positions are not in positions where they carry firearms, are not involved in narcotics investigations or enforcement, and do not have a substantially significant degree of responsibility for the safety of others so that impaired performance could result in death or injury to the employee or others; and

WHEREAS, Current law provides for significant penalties for drug offenses and alcohol-related driving offenses, including possible loss of professional licenses for drug offenses, loss of driving privileges for alcohol-related driving offenses, fines, imprisonment, and required alcohol and drug education and treatment; and