

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 962 (Senator Kagan, *et al.*)
Education, Energy, and the Environment

January 6th Insurrectionists - Prohibition on Service in Certain Government
Roles

This bill prohibits an individual convicted of a crime in relation to the attack on the U.S. Capitol on January 6, 2021 from serving on: (1) a board, committee, commission, task force, or workgroup created by State law; (2) in the executive service of State government as defined under the State Personnel Management System (SPMS); or (3) in a position categorized as a special appointment under SPMS. The prohibition applies regardless of whether the individual was subsequently pardoned. If an appointing authority determines that an individual is serving in a role in violation of the bill, the appointing authority must take immediate action to remove or terminate the individual's employment. The bill's prohibition does not apply to an individual serving on a standing committee of the General Assembly or another committee of the General Assembly. Removal procedures for members of boards, committees, commissions, task forces, or workgroups under current law do not apply to members subject to removal under the bill. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: Since it is assumed that this bill applies in a limited number of cases, State finances are not materially affected, as discussed below.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Committees, Commissions, Task Forces, and Workgroups

Generally, when a committee, commission, task force, or workgroup is created by State law, provisions are established for the appointment of members for that specific body. The statutory language that authorizes the creation of a specified body may contain provisions regarding the removal of a member or specify that the members serve at the pleasure of the appointing authority. In some instances, the language requires automatic disqualification if a member does not attend a specified number or percentage of meetings.

Chapter 469 of 2024 established, except as otherwise provided by law, that a member of a board, committee, commission, task force, or workgroup created by State law may be removed or suspended for misconduct, incompetence, neglect of duties, or other good cause by the individual or entity that appointed the member. An individual or entity that appointed a member may remove or suspend the member only after (1) consultation with the chair of the board, committee, commission, task force, or workgroup (unless the member being removed is the chair) and (2) the member has been given notice and an opportunity to be heard regarding the reason for removal or suspension. The Act does not apply to a standing committee of the General Assembly or another committee of the General Assembly. Nothing in the Act is intended to limit the rights of a member to express the member's views on matters of public concern to the fullest extent protected for a public official by the U.S. Constitution or by the Maryland Constitution.

Employment Categories in the State Personnel Management System

SPMS has four major employment categories designated in statute:

- executive service, which consists of chief administrators of principal units or comparable positions, including deputy secretaries or assistant secretaries;
- management service, which consists of positions that involve direct responsibility for the oversight and management of personnel and financial resources and that require the exercise of discretion and independent judgment;
- professional service, which consists of positions that require advanced knowledge in a field of science or learning and that normally require a professional license, advanced degree, or both; and
- skilled service, which consists of all other positions.

Classification of skilled, professional, management, and executive service positions in SPMS is the responsibility of the Secretary of Budget and Management. The Secretary must likewise establish the standards and procedures used to classify positions in the skilled, professional, management, and executive services and provide advice and guidance on their use.

A temporary employee is not classified in the skilled, professional, management, or executive service in SPMS.

Special Appointments

Special appointments within SPMS are employees who:

- are appointed directly by the Governor to a position that is not provided for in the State Constitution;
- are appointed directly by the Board of Public Works;
- as determined by the Secretary of Budget and Management, perform a significant policy role or provide direct support to a member of the executive service;
- are assigned to the Government House (the Governor's residence);
- are assigned to the Governor's office; or
- are in positions specified by law to be special appointments.

Special appointments may be filled with regard to political affiliation under specified conditions.

Termination of Employees in the State Personnel Management System

Under § 11-305 of the State Personnel and Pensions Article, an employee who is in a position under a special appointment, in the management service, or in the executive service, serves at the pleasure of the employee's appointing authority and may be terminated from employment for any reason that is not illegal or unconstitutional, solely in the discretion of the appointing authority. A management service employee or a special appointment employee may not be terminated for the purpose of creating a new position for another individual's appointment because of that individual's political affiliation, belief, or opinion. An employee or an employee's representative may file a written appeal of an employment termination as specified.

Executive Order 01.01.2023.01

Under the Standards of Conduct for Executive Branch Employees issued by Executive Order 01.01.2023.01, all departments and agencies of the Executive Branch

must require each employee to report to the Secretary or Director of such department or agency as to any arrest of an employee and as to each legal proceeding in which an employee is involved, as a party or otherwise, if the arrest or legal proceeding affects, or reflects on, the employee's job fitness or performance.

State Fiscal Effect: The bill may have a minimal operational effect on some affected entities and State agencies to the extent that removal of a member or employee disrupts their work. The Department of Budget and Management can have applicants for the executive service or special appointments attest to not being in violation of the bill. In limited cases, if an authority becomes aware that a current employee is in violation of the bill, the appointing authority can terminate that individual's employment with existing resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Information Technology; Department of Commerce; Office of the Attorney General; Comptroller's Office; Maryland State Department of Education; Maryland Higher Education Commission; University System of Maryland; Maryland Department of Agriculture; Department of Budget and Management; Maryland Department of Disabilities; Maryland Department of the Environment; Department of General Services; Department of Human Services; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Veterans and Military Families; Maryland Insurance Administration; Department of Legislative Services

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