

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, EVERY EXAMINATION SHALL BE OPEN AND FREE OF CHARGE TO ALL APPLICANTS WHO QUALIFY FOR APPOINTMENT TO A POSITION IN THE CLASS FOR WHICH THE EXAMINATION IS GIVEN.

(B) QUALIFICATION REQUIREMENTS.

EXCEPT AS OTHERWISE PROVIDED BY LAW, IF THE SECRETARY DETERMINES THAT THE LIMITATION IS REQUIRED FOR THE PERFORMANCE OF THE DUTIES OF A CLASS, THE SECRETARY, BY REGULATION, MAY SET FOR THAT CLASS A LIMITATION AS TO:

- (1) AGE;
- (2) HABITS;
- (3) HEALTH;
- (4) MORAL CHARACTER;
- (5) PHYSICAL CONDITION; OR
- (6) OTHER QUALIFICATIONS.

(C) EFFECT OF CRIMINAL CONVICTION.

(1) AN APPLICANT WHO HAS BEEN CONVICTED OF A CRIME MAY NONETHELESS TAKE AN EXAMINATION UNDER THIS SUBTITLE IF:

(I) THE APPLICANT OTHERWISE IS QUALIFIED TO TAKE THE EXAMINATION; AND

(II) THE APPLICANT:

1. HAS SERVED THE SENTENCE IMPOSED;
2. HAS RECEIVED A CONDITIONAL COMMUTATION OF SENTENCE;
3. HAS RECEIVED A CONDITIONAL OR FULL PARDON; OR
4. HAS BEEN PAROLED OR PLACED ON PROBATION.

(2) IF AN APPLICANT WHO HAS BEEN CONVICTED OF A CRIME IS CERTIFIED BY THE SECRETARY AS ELIGIBLE FOR APPOINTMENT TO A POSITION, THE APPOINTING AUTHORITY MAY CONSIDER THE CONVICTION IN DECIDING WHETHER TO APPOINT THE APPLICANT TO THE POSITION.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence and, as it related to nonveterans, the third sentence of former Art. 64A, § 19, and, except for the requirements that tests be competitive, the first clause of the first sentence of § 18(c).