

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 39 (Senator Ellis)
Education, Health, and Environmental Affairs

**Department of Planning - Collateral Consequences for Individuals With
Criminal Records - Study**

This bill requires the Maryland Department of Planning (MDP), in coordination with the Maryland State Data Center, to study and make recommendations relating to collateral consequences for individuals with criminal records, as specified. By December 31, 2021, MDP must report its findings and recommendations to the General Assembly. **The bill takes effect June 1, 2021, and terminates June 30, 2022.**

Fiscal Summary

State Effect: General fund expenditures increase in FY 2022 only to hire a consultant to conduct the study and develop the report. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: MDP must examine, report on, and make recommendations relating to collateral consequences for individuals with criminal records, including (1) the right to vote; (2) the right to hold public office; (3) restrictions on employment in certain professions, and policies, practices, and statistics regarding private employers in the State in hiring individuals with criminal records; (4) restrictions on the ability to obtain certain business, occupational, and professional licenses, including a liquor license; (5) restrictions on the receipt of public assistance, including federal or state grants, federal cash assistance,

food assistance, and public housing; (6) restrictions on international travel; (7) the abrogation of certain parental rights; and (8) restrictions on jury duty service.

Current Law: A federal, State, or administrative entity may impose collateral consequences on an individual convicted of a crime that are beyond the terms of the criminal sentence. Some collateral consequences are discretionary and others occur as a matter of law. The consequences are varied and are not officially maintained in any centralized area. Criminal convictions affect individuals in areas such as jury service, public housing, licensing and employment, and family law.

State Fiscal Effect: General fund expenditures increase in fiscal 2022 only for MDP to hire a consultant to complete the required study and report by the December 31, 2021 deadline. This analysis assumes that although the bill takes effect June 1, 2021, MDP does not incur expenditures until fiscal 2022.

MDP advises that because it does not currently collect, specialize in, or have ready access to the type of data that is necessary to complete the required study and report, it needs to contract with a third party to do so. MDP further advises that the projected costs for such a third-party contract are unknown at this time.

The Department of Legislative Services notes that the bill does not specifically mandate how MDP must satisfy the bill's requirements, including what, if any, data analysis MDP must conduct. Also, while the bill addresses data and subject areas outside of MDP's current expertise and function, other State agencies and entities may have relevant data and expertise that MDP may be able to draw upon. Therefore, to the extent that MDP is able to fulfill its obligations under the bill by utilizing or coordinating information that already exists elsewhere, costs may be mitigated.

Additional Comments: In December 2015, Governor Lawrence J. Hogan, Jr., announced that the (then named) Governor's Office of Crime Control and Prevention would lead a multi-agency review of the legal and regulatory barriers that individuals with criminal records face when reentering the community following incarceration. The resulting workgroup issued its final [report](#) in December 2016.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2021
rh/aad

Analysis by: Tyler Allard

Direct Inquiries to:
(410) 946-5510
(301) 970-5510