



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session
HB0318

Criminal Procedure - Expungement - Failure to Obey a Court Order to Report to Confinement

Bill Summary

This bill expands § 10-110 of the Criminal Procedure Article to authorize a person to file a petition for expungement of a conviction under § 9-405(a)(2) of the Criminal Law Article for escape in the second degree – failure to obey a court order to report to a place of confinement.

Racial Equity Impact Statement

Those eligible under the bill for expungement of a second-degree escape conviction for failure to obey a court order to report to a place of confinement would benefit to the extent that expungement may help reduce the effects of collateral consequences of a criminal record. A detailed impact analysis cannot be performed without demographic data of those convicted of the violations outlined in the bill. Black individuals, however, may see the largest impact due to their disproportionate representation in the State’s criminal justice system, but the overall impact is likely minimal due to the relatively small number of individuals convicted for this offense.

Analysis

A person is prohibited from knowingly failing to obey a court order to report to a place of confinement under § 9-405(a)(2) of the Criminal Law Article. “Place of confinement” means a correctional facility, a facility of the Maryland Department of Health, or any other facility in which a person is confined under color of law, including home detention. It does not include a juvenile detention center or other specified juvenile facilities. Also known as escape in the second degree, violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a

maximum fine of \$5,000. The bill allows an individual to file a petition for expungement of a conviction for this offense.

Collateral Consequences of a Criminal Record

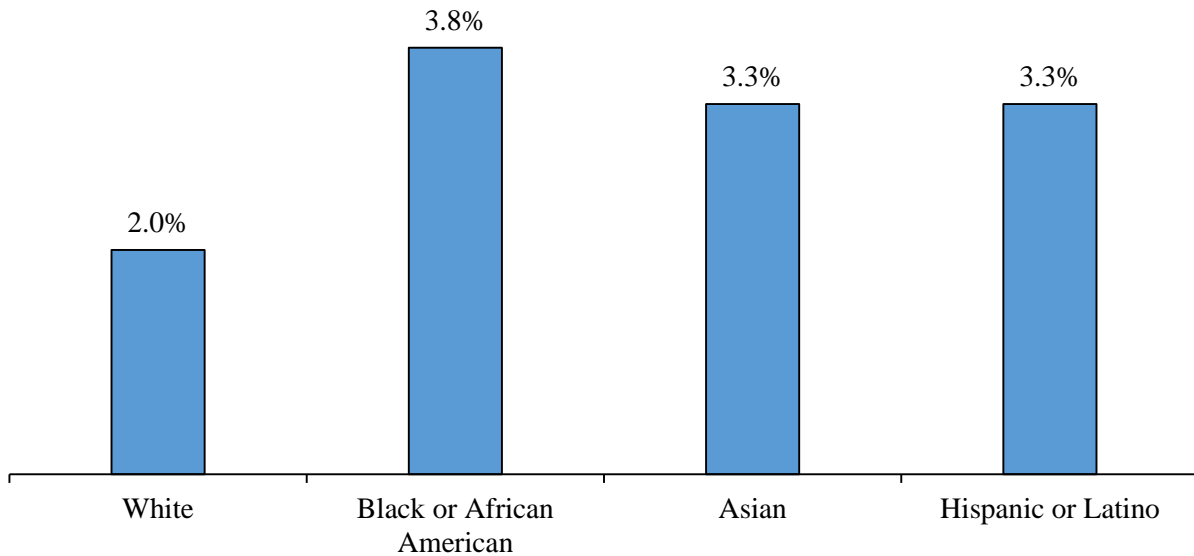
Expungement is intended to help mitigate the adverse consequences of having a criminal record, which can last beyond imprisonment, fines, and the legal process and can include the denial of civil opportunities and benefits available to a person due to their record. Specifically, having a criminal history can adversely affect employment prospects which can further influence an individual's level of income, housing opportunities, and access to quality health care.

Employment is key to stable housing and homeownership and a variety of State and national data show that higher incomes can lead to the stability and consistency necessary to accumulate the various upfront resources needed to buy a home. Monetary savings for down payments and good credit scores are necessary to achieve initial homeownership and are largely driven by an individual's employment status and level of income. Employment also often dictates one's access to health care. Certain jobs do not offer health insurance benefits and access to jobs with such benefits may be restricted by an attachment to a criminal record. A criminal record can therefore impose significant barriers to upward socioeconomic mobility.

Impacts of the Bill

National and State data consistently show that racial minorities experience disproportionate levels of adversity in the areas of life affected by a criminal record. National studies have found that there is a significant negative effect of having a criminal record on employment outcomes that appears substantially larger for Black individuals. The Department of Public Safety and Correctional Services reports that for fiscal 2023, Black individuals made up 71% of Maryland's prison population contrasted with their 29% share of the State's overall population. As shown in **Exhibit 1**, in 2023, the unemployment rate in Maryland was highest among Black job seekers and almost twice the rate of white job seekers in the State.

Exhibit 1
Unemployment Rate in Maryland by Race and Ethnicity
2023



Source: U.S. Bureau of Labor Statistics

Despite the lack of available data regarding those convicted of second-degree escape, the bill's provisions would be expected to yield positive outcomes for those who are able to expunge their criminal records.

Conclusion

Allowing for the filing of expungement petitions as specified under the bill could alleviate some of the negative consequences of having a criminal record for those convicted of escape in the second degree. Demographic data of those convicted of failure to obey a court order to report to confinement was not available, but the relatively small number of individuals charged and convicted of this violation suggests that the bill's impact would be positive for those individuals but minimal overall. According to the Judiciary, there were 43 convictions in the State's trial courts for second-degree escape in fiscal 2022 and 2023 combined. Black expungement applicants may see the most impact to the extent they are convicted of this violation at higher rates, which their overall overrepresentation in the State's criminal justice system suggests may be the case.

Information Sources: U.S. Bureau of Labor Statistics; Department of Public Safety and Correctional Services; Administrative Office of the Courts; Department of Legislative Services

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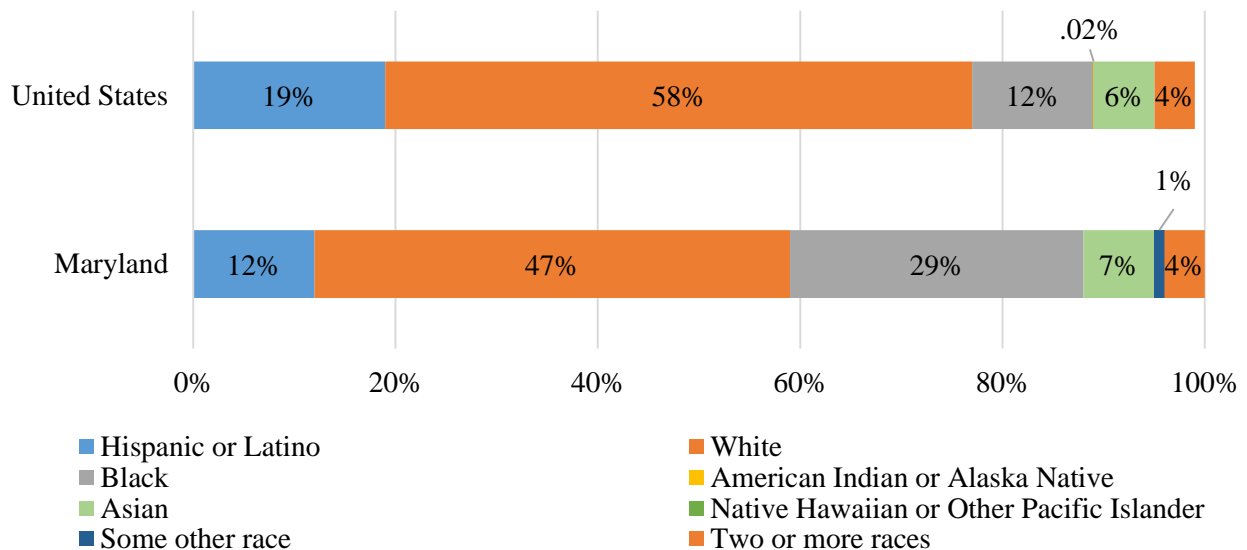
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.