



Testimony for the Senate Judicial Proceedings Committee

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SB 314 – Juveniles Charged as Adults- Confidentiality of Records

FAVORABLE

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The ACLU of Maryland supports SB 314, which would apply certain confidentiality provisions to juvenile police and court records while the youth's case is pending transfer between adult and juvenile court.

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Studies show that employment opportunities can reduce recidivism rates.¹ Yet, for far too many Marylanders who were entangled in the criminal legal system as youth, a criminal record can be a bar to opportunities for success. The collateral consequences reach far beyond employment—a criminal record may compromise one's eligibility for tuition assistance and stable housing. Moreover, these collateral consequences are particularly stark for communities of color.

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Criminal records exclude individuals from employment, educational opportunities, public benefits, and stable housing

A criminal record can and does create a barrier to employment for many Marylanders. More than 80% of U.S. employers perform criminal background checks on prospective employees.²

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More importantly for young persons, criminal convictions also serve to exclude them from educational opportunities. A recent study found that a majority (66%) of colleges collect criminal justice information as part of the admissions process.³

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¹ See for example Nally, Lockwood, Taiping, and Knutson, *The Post-Release Employment and Recidivism Among Different Types of Offenders With A Different Level of Education: A 5-Year Follow-Up Study in Indiana* (noting that recidivist offenders were likely to be unemployed or under-educated)

² Burke, M.E., 2004 *Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management, Alexandria, Va.: Society for Human Resource Management*, 2006.

³ Center for Community Alternatives—Innovative Solutions for Justice, *The Use of Criminal Records in College Admissions, Reconsidered* (available at <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>).

Criminal convictions also hinder an individual's access to stable housing and a range of public benefits.

SB 314 will allow young people who have interacted with the criminal legal system to access a broader range of services and opportunities, including but not limited to, employment, schooling, public benefits, and housing, and thereby contribute productively to the state's economy.

Criminal convictions disparately disadvantage individuals, families, and communities of color

The over-criminalization of communities of color has produced the startling result that one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latinx men, and one in seventeen white men.⁴ In addition to facing higher imprisonment rates, persons of color, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their white counterparts.⁵

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuates the cycle of imprisonment plaguing communities of color.

For the foregoing reasons, we urge a favorable report on SB 314.

⁴ Saki Knafo, 1 In 3 Black Males Will Go To Prison In Their Lifetime, Report Warns (HUFFINGTON POST, Oct. 4, 2013).

⁵ *Id.*

