

House Bill 1343 Written Testimony
In Support of HB1343
March 10, 2020

Thank you very much; I appreciate the opportunity to offer my perspective here today. My name is Jacob Martz, and I live in Sharpsburg, MD. I came here to provide testimony because this is a matter of great personal importance to me and many other people, and one that has deeply affected the course my life has taken. I urge you – I am pleading with you – to please vote positively on this bill, House Bill 1343. This bill would have a profound impact on the lives of a countless number of Maryland citizens, including myself, who have had minor encounters with the law at a younger age, but are otherwise law-abiding citizens who only wish to erase a past that no longer defines who we are, and which severely restricts our ability to live a normal life as a Maryland citizen.

Nineteen and fifteen years ago, when I was 21 and 25 respectively, I was convicted of two separate nonviolent misdemeanors. There was no victim, and I served no jail time as a result for either offense, yet these charges, despite being over fifteen years old, still remain on my record, and continue to have an adverse effect on my life today. The stigma of this ignominy continues to hang over me like a dark cloud, and I have lived with the burden of this shame every day of my life since these violations were committed, a feeling that, perhaps, many people cannot understand. These acts, and subsequent records, have cost me so much in my life, not only in terms of opportunity or advancement, but also integrity and honor; character traits that I value and respect above almost all others, and that I know I possess.

Following my last conviction, and completion of all stipulations that were imposed, I attempted to join any branch of the military that would accept me, only to be denied because of my own actions. This was an immensely devastating blow to my psyche, and a sobering wake-up call as to the importance of living as impeccably as possible. I had always dreamed of serving my country, and it was apparent at that point that my own past behavior had destroyed that future.

I attempted to move on with my life, trying unsuccessfully to forget the past while simultaneously being reminded of it every day. I became a professional contractor and master carpenter, building many of the restaurants and stores in the area that some of you may frequent;

and, given my penchant for history and love of teaching, I became a regular volunteer with the National Park Service, dedicating weekends, free time, and even a few work days, to historical interpretations, lectures and preservation activities at surrounding Civil War battlefields and for school groups. As a studious person, I returned to school at the University of Maryland in 2011 to complete my education. Despite the rigorous schedule of work and school, I graduated Magna Cum Laude in 2018, with a 3.98 GPA, and degrees in Cybersecurity and History; but since most jobs in Cybersecurity require a security clearance, my criminal records will probably prevent me from doing that as well. During the same period, in 2013, I began flight training, and by 2016, I was an instrument rated private pilot – the realization of a dream, and still my proudest accomplishment. More recently, I was appointed to the Zoning Board of my town by the Mayor of Sharpsburg. I serve in a volunteer capacity on several town committees and, just yesterday, was contacted personally by our Vice Mayor, who asked me to fill a vacancy on our Town Council, which is a duty and responsibility that I will accept.

Despite these facts, however, I am still labeled a criminal for life by the State, and this persistent feeling of indignity continues to permeate my everyday existence. No matter what title or accolade is obtained, or how much success is accomplished personally or professionally, the most prominent title will always be that of criminal as long as these unnecessary records, whose only purpose it seems is to hinder opportunities or restrict rights, are maintained.

I know that I am only here because of my own actions. I take full responsibility and apologize profusely for them, and I agree that people should be punished for their crimes; however, it must be recognized that people can change. That perhaps, after years of reflection, hindsight and life experience, individuals who have demonstrated a respect for law, and have exhibited a willingness to abide by it, are no longer a threat to society; nor are they deserving of the resulting shame and stigma that occurs as a result of having this unnecessary documentation of an historic criminal act continue to define who they are as a person.

Department of Justice records indicate that nearly 1 in 3 Americans has a criminal record; the majority of which, according to two separate studies conducted by the University of California (2014) and the University of Michigan (2018), reflect relatively low level misdemeanors. Both studies concluded that people who receive expungements (or, in Michigan's case, "set-asides") experience an extremely low recidivism rate, while enjoying "a

significant increase in employment and average wages.” The University of Michigan study, specifically, found that the probability for employment of a person who receives an expungement or set-aside “rises steadily by a total of about 6.5 percentage points;” and that, during the same period, “average quarterly wages [of those who received expungements] rose by about 22%.” While the net benefit in employment to those who receive expungements is apparent, the same study also found that “[f]ewer than 4% of [expungement] recipients were rearrested within five years . . . and fewer than 2% were reconvicted,” representing an extremely low rate of recidivism among those who receive expungements. (CCRC, 2018) In a subsequent report, the same authors noted that “[n]inety-nine percent of those who receive [expungements] . . . are not convicted of a felony anytime in the next five years; 99.4% are not convicted of any violent crime; and 96% are not convicted of any crime at all, even a petty misdemeanor;” and that, in fact, expungement “recipients appear to be lower risk than the general public,” (Prescott & Starr, 2019, p. 54) suggesting that the provision of expungements to those who may request them under the stipulations specified in this bill would, indeed, be in the “interest of justice,” as stated in the bill’s text.

To be clear, in no way am I suggesting that a person who commits a crime not serve an appropriate sentence if convicted. Rather, that a person who has successfully completed their sentence, and performed all that was required of them, have a procedure by which foolish mistakes may be removed from one’s record after a prescribed period of time has passed, thereby providing an avenue for personal redemption and restoration of dignity, integrity, honor and self-worth, all of which are adversely affected by the presence of these unnecessary records.

One of the most basic principles of our justice system is that a punishment must fit with the severity of a crime. What benefit exists in keeping a criminal record - a record which, following an expungement, may be accessed at any time by the State for purposes of criminal investigation – public, if not for the sole purpose of punishment, shame and limitation of opportunity? By maintaining these records, it ensures that the repercussions of even minor crimes will last a lifetime, and one should not have to serve a life sentence as punishment for a crime that does not warrant it.

I, perhaps like many other people in my situation, have done everything that I can to try to redeem myself, my character, my honor and my integrity, and to prove that I am a good

person. I haven't been a "normal person" in almost 20 years, and I just want to know what that feels like again. If our justice system truly is about rehabilitation, then people who have demonstrated the ability to be law-abiding citizens should be given the opportunity for a second chance, and not labeled a criminal for life.

I beg you with all my heart, please pass House Bill 1343. I promise you that, on October 1st, when it goes into effect, I will be the very first person to use it. I have been attempting to clear my name and restore my dignity for 15 years now. I endure this mental burden every day. I feel that my debt to society has been repaid, that I have served my time, and then some; and I don't want to die a criminal.

Thank you very much for your time.

Jacob M. Martz
Sharpsburg, MD

References

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