

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## **TESTIMONY IN SUPPORT OF HOUSE BILL 1343** **Criminal Procedure - Expungement - Expansion**

**TO:** Hon. Luke Clippinger, Chair, and Members of the House Judiciary Committee  
**FROM:** Derrell Frazier, Policy Advocate  
**DATE:** March 10, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. We strongly support HB 1343 as a means of increasing the employability of job seekers with criminal records.

Individuals with criminal records face countless obstacles when attempting to move beyond their past and stabilize themselves. Access to employment is discovered to be extremely difficult to secure with a record. With some state court systems – including Maryland – allowing information about one’s criminal record to be posted online, an individual’s criminal history is not only used for law enforcement purposes, but for hiring decisions. In Maryland, employers are able to access a prospective employee’s adult criminal record online at the click of a mouse, without context. This means that a person must explain their dated record even if it is 5, 10, or 15 years ago.

Many employers are unaware of the difference between various forms of convictions, charges, arrest warrants, or other possible entries on an individual’s criminal record, making any encounter with the criminal justice system a significant barrier to employment and housing. In addition, employers do not take into account whether an individual’s conviction *directly impacts* their ability to work or has any correlation to their skill set. Moreover, employers often refuse to hire applicants with a criminal record, even if they have never been convicted of a crime.

Studies show that age has a direct relationship to crime, with the majority of those who re-offend being those released under the age of 21. Even further, a study conducted in 2009 by the National Institute of Justice shows that at a certain age, an individual with a criminal record is no more likely to re-offend than other individuals of the same age. Still, Maryland’s current expungement laws bar nearly 25% of the population from the workforce, due to their inability to access expungement resources.

As reported in JOTF’s “Criminalization of Poverty: How to Break the Cycle Through Policy Reform,” the consequences of a criminal record are longstanding and nearly insurmountable. It presents an even larger barrier for communities of color, which are more likely to be arrested, and account for nearly 72 percent of the prison population while only making up 24 percent of the state’s population. Our report shows that an African-American male *without* a criminal record is less likely to be called back during the hiring

process than a similarly qualified white male without a criminal record. This fact is further alarming juxtaposed with the state's unemployment rate, which is twice as much for African Americans.

House Bill 1343 seeks to eliminate procedural barriers for individuals struggling with arrests, charges, and certain convictions that hinder their ability to secure and maintain employment. This bill authorizes a person who is the subject of a certain warrant or enduring certain charges to file petitions for expungement. Criminal records serve as both the cause and consequence of poverty for many Marylanders looking for work. As employment barriers increase for people with criminal records, so too does their likelihood of recidivism. JOTF fully supports efforts to immediately remove barriers to employment for Marylanders saddled with arrests, charges, and convictions that do not necessarily denote their capabilities as an employee. For these reasons, we respectfully urge a favorable report of HB 1343.