

SUPPORT HB 97 – 2023 “REDEEM Act”- expungement waiting periods



TO: Chair Luke Clippinger and House Judiciary Committee
FROM: Phil Caroom, MAJR Executive Committee
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Maryland Alliance for Justice Reform (MAJR-www.ma4jr.org) strongly supports HB 97 to assist returning citizens seeking honest employment. Currently, state law sets waiting periods of 10 to 15 years for many ex-offenders – and this excessive delay creates obstacles to their successful recovery. HB 97 would reduce the waiting periods to 5 years for more serious offenses and 3 years for less serious ones, as supported by current scientific knowledge.

The problem with Maryland law as pointed out by science. Maryland should apply evidence-based principles to our State’s correctional policies, such as expungement. Here are some important principles:

1. Active substance abuse (both alcohol and drugs) is “strongly connected” the offenses of approximately 85% of offenders. See, for example, <https://nida.nih.gov/publications/drugfacts/criminal-justice>
2. However, when an offender cooperates with substance abuse treatment and becomes abstinent for two years, the percentage who commit new offenses becomes much lower. See, for example, https://www.naadac.org/assets/2416/whitewl2012_recoveryremission_from_substance_abuse_disorders.pdf With five or six years’ abstinence, relapse is resisted by 80%. There is no scientific basis for our current policies requiring the excessive waiting periods of 10 to 15 years.
3. Is there a method for the public to recognize and reward returning citizens who have accomplished such rehabilitation and who no longer pose much risk to public safety? Yes! It is called “Parole and Probation.” With monitoring by state parole and probation agents, an offender successfully may complete their supervision periods—generally, including substance abuse treatment— and their cases will be closed. **With HB 97, the waiting period for expungement – indicating a) that a returning citizen has successfully completed parole & probation and b) that the individual has a much lower risk to reoffend– would be adjusted and reduced to match the current science**, discussed above!
4. Expungement, importantly, would create more opportunities for better employment of returning citizens. Both federal and state studies clearly show that ex-offenders who are employed are much less likely to commit new offenses than those who are unemployed. A 2017 Greater Baltimore Committee report summarizes this research, stating: *the single largest determinant of re-arrest and re-conviction is whether or not a person is able to find a job upon release from prison. The probability of re-conviction for someone who is employed within two months of release and earning \$10 or more per hour is only 8 percent, one-third of the probability of an unemployed ex-offender.* Without employment, the ex-offender is approximately twice as likely to return to prison, costing taxpayers over \$40,000 per year. Substance abuse treatment and employment assistance programs are much less costly!

For all these reasons, HB 97– to assist returning citizens’ employment prospects– should be understood as important measures to support reduced taxpayer costs, public safety and crime-prevention. Maryland Alliance for Justice Reform strongly supports passage of HB 97.

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PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.