25 YEARS OF SEEDING
LEGACIES FOR THE FUTURE

TESTIMONY IN SUPPORT OF HOUSE BILL 175:

TO: Hon. C. T. Wilson, Chair, and members of the House Economic Matters Committee
FROM: Christopher Dews, Policy Consultant
DATE: February 7th, 2024

The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF strongly supports House Bill 175 as a means of removing barriers to occupational licensing for returning citizens.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects of 25% of working-age Marylanders with a record (pg.26). Worse yet, in Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. Individuals with a record are also often prevented from obtaining an occupational license and mastering a trade.

According to the Bureau of Labor Statistics, more than one-quarter of workers in the United States require a professional license; however, occupational licensing and certification can present a significant barrier to employment for individuals with criminal convictions. According to the American Bar Association's National Inventory of the Collateral Consequences of Conviction, there are 521 collateral consequences related to occupational licensing and professional certifications in Maryland. Maryland's statute states in Criminal Procedure §1–209 that state licensing boards may not deny occupational licenses or certificates to applicants solely based on a prior conviction unless:

1. There is a direct relationship between the applicant's previous conviction and the specific occupational license or certificate sought; or
2. 2) the issuance of the license or certificate would involve an unreasonable risk to property or the safety or welfare of specific individuals or the general public.

Licensing laws and restrictions on individuals with a criminal record disproportionately affect people of color and low-income populations. In Maryland, black individuals constitute 31% of state residents but 71% of the prison population. Meanwhile, low-income occupations are much more likely to require a license. The cumulative impact of these policies poses a significant barrier to employment and affects not just directly impacted individuals and their successful reentry, but their families and communities.

Finally, the Division of Occupational and Professional Licensing has found no records of anyone denied a license based solely on a criminal record from 2014 through 2018; this data suggests that individuals are deterred from even applying. Of the 613,034 license applications received over these eight years, only

0.13%, or 803, had a criminal record. Given that over 35,000 individuals were released from prison in this period, that many more acquired criminal records during this time, and that most low-income professions require a license, it can be surmised that Maryland laws around restrictions for licensure bar returning citizens from even applying for a license.

House Bill 175 seeks to address this by prohibiting Department of Agriculture (MDA); the Department of the Environment (MDE); the Maryland Department of Health (MDH); the Department of Human Services (DHS); the Maryland Department of Labor (MDL); or the Department of Public Safety and Correctional Services (DPSCS) from requiring an applicant for an occupational license or certificate to disclose any specified information relating to the applicant's prior criminal history. It strengthens the protections listed in Criminal Procedure §1–209 by removing the required disclosure of records if the charges were juvenile, nonviolent, unrelated to the occupation, didn't lead to a conviction, or three (3) years have passed since release. It still excludes violent crimes as defined in Criminal Law §14-101, which effectively addresses any public safety concerns that will arise.

House Bill 175 also aligns with a 2016 Collateral Consequences Workgroup report that recommended that Maryland consider passing a comprehensive anti-discrimination law to address the barriers individuals with criminal records face in hiring and occupational licensing. CFUF fully supports this bill as a step in addressing the complex web of consequences of a criminal record that prevents lower-income communities from securing stable and meaningful employment. We respectfully urge a favorable report on House Bill 175.