

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 123
(Senator Ellis)

Judicial Proceedings and Education, Energy,
and the Environment

**Department of Planning - Collateral Consequences for Individuals With
Criminal Records - Study**

This bill requires the Maryland Department of Planning (MDP), in coordination with the Maryland State Data Center, to study and make recommendations relating to collateral consequences for individuals with criminal records, as specified. By December 31, 2023, MDP must report its findings and recommendations to the General Assembly. **The bill takes effect June 1, 2023, and terminates June 30, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by as much as \$150,000 in FY 2024 only. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: MDP must examine, report on, and make recommendations relating to collateral consequences for individuals with criminal records, including (1) the right to vote; (2) the right to hold public office; (3) restrictions on employment in certain professions, and policies, practices, and statistics regarding private employers in the State in hiring individuals with criminal records; (4) restrictions on the ability to obtain certain business, occupational, and professional licenses, including a liquor license; (5) restrictions on the receipt of public assistance, including federal or state grants, federal cash assistance,

food assistance, and public housing; (6) restrictions on international travel; (7) the abrogation of certain parental rights; and (8) restrictions on jury duty service.

Current Law: Collateral consequences of a criminal conviction under Maryland law include, but are not limited to, the areas of voting rights, licensing and employment, and jury service.

Voting Rights

Under § 3-102(b) of the Election Law Article of the Maryland Code, an individual is not qualified to be a registered voter if the individual has been convicted of a felony and is currently serving a court-ordered sentence of imprisonment for the conviction. Chapter 734 of 2021 requires that the Department of Public Safety and Correctional Services provide every individual who is released from a correctional facility with a voter registration application and documentation informing the individual that the individual's voting rights have been restored.

Licensing and Employment

A large number of statutes authorize the refusal, suspension, or revocation of a professional license for individuals who have been convicted of felonies. In addition to felony convictions, these statutes usually authorize adverse licensing decisions for individuals whose convictions fall under particular categories of crimes, such as a sex offense, a violent offense, or a drug offense, that is relevant to the field of employment.

Additionally, statutorily required and optional background checks may also act as collateral sanctions of conviction. Evidence of a felony conviction discovered during a background check of a job applicant may lead to the denial of a position that would have been offered had the conviction been for a misdemeanor.

Jury Service

For jury service, the categorization of an offense as a felony or misdemeanor is not relevant. The determining factor is the length of an imposed or possible sentence. Under § 8-103 of the Courts and Judicial Proceedings Article, an individual is not qualified for jury service if the individual (1) has been convicted, in a federal or State court of record, of a crime punishable by imprisonment exceeding one year and received a sentence of imprisonment for more than one year or (2) has a charge pending, in a federal or State court of record, for a crime punishable by imprisonment exceeding one year.

State Fiscal Effect: General fund expenditures increase by as much as \$150,000, in fiscal 2024 only, for MDP to hire a consultant to assist the department in completing the

required study and report by the December 31, 2023 deadline. MDP advises that it needs to hire a consultant since it does not have the expertise in criminal justice programs and the collateral consequences for individuals with criminal records that is necessary to complete the required study and report. This analysis assumes that although the bill takes effect June 1, 2023, MDP does not incur expenditures until fiscal 2024.

The Department of Legislative Services (DLS) notes that while the bill addresses data and subject areas outside of MDP's current expertise and function, other State agencies and entities may have relevant data and expertise that MDP may be able to draw upon. Therefore, to the extent that MDP is able to fulfill its obligations under the bill by utilizing or coordinating information and expertise that already exists elsewhere, costs may be mitigated.

Additional Comments: In December 2015, Governor Lawrence J. Hogan, Jr., announced that the (then named) Governor's Office of Crime Control and Prevention would lead a multi-agency review of the legal and regulatory barriers that individuals with criminal records face when reentering the community following incarceration. The resulting workgroup issued its final [report](#) in December 2016. DLS issued a [report](#) on collateral consequences of a criminal conviction in December 2021.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 39 of 2021.

Designated Cross File: None.

Information Source(s): Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2023
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