

SB 157: Employers of Ex-Offenders-Liability-Immunity
Senate Judicial Proceedings Committee
Tuesday, January 28, 2020

Dear Chairman Smith and Members of the Committee:

Horizon Goodwill Industries assists Maryland residents in Washington, Allegany, and Garrett counties obtain economically sustainable employment. We provide assistance with overcoming a wide variety of barriers to employment, including the multitude of challenges associated with being an ex-offender. We provide support ranging from expungement assistance to partnering with our local drug courts and day reporting centers to provide pre-release employment counseling services. These efforts are meaningless, however, if employers are unwilling to consider hiring these individuals.

We believe that addressing the challenges faced by those seeking re-entry and finding pathways to employment for the previously incarcerated is socially responsible. As well, it represents a tremendous workforce and cost savings opportunity for Maryland. The U.S. employment rate continues to be remarkably low; however, millions of jobs remain unfilled. We believe that one way to fill that gap is through helping formerly incarcerated individuals reenter the workforce and rebuild their lives.

Many studies have shown that sustainable employment reduces rates of recidivism. According to a 2015 report by the Manhattan Institute, there was a 20 percent reduction in return to crime by non-violent offenders who had found employment. The study further found that the sooner ex-offenders are employed, the less likely they will commit future crimes resulting in further jail and prison time.¹ However, 75% of former inmates find themselves still looking for a job a year after being released from prison, and this is often due to stigma.²

Employers take on a great amount of risk when they hire any employee. This risk increases when they decide to hire an ex-offender since, under current law, an employer can be held liable if that individual commits a crime while on the job. Though these types of lawsuits are infrequent, the risk remains, and the financial impact of litigation stands to have crippling effects, particularly on small businesses.

Senate Bill 157 would establish that employers in specified industries are not liable, under certain circumstances, for negligently hiring or failing to adequately supervise an employee that has a criminal background.

Based on existing case law and fear of litigation, many employers presently avoid hiring ex-offenders. We believe that this legislation represents one pathway to mitigating employer concerns, reduces an existing barrier and would result in an increase in employment opportunities for those seeking re-entry post-incarceration.

For these reasons, we support Senate Bill 157 and respectfully requests a **Favorable Report** on this legislation.

Sincerely,



David Shuster, Ed.D.
Chief Executive Officer

¹ *Prison-to-Work: The Benefits of Intensive Job-Search Assistance for Former Inmates*; Aaron Yelowitz, Christopher Bollinger; Manhattan Institute; March 2015
² *America's Hidden Workforce*; Tom Donohue; U.S. Chamber of Commerce; July 2019

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