

SUPPORT SB 589 - PARTIAL EXPUNGEMENT

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MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith & Senate Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: March 10, 2020

SB 589 offers relief for the all-too-common problems facing ex-offenders seeking honest employment: the State overcharges an offense by including more serious charges (not eligible for expungement) then accepts a plea to lesser, nonviolent charges.

Unfortunately, Maryland's "unit rule" permanently prohibits expungement of eligible charges if all charges within a unit are not eligible for expungement. This means that acquittals and other favorable dispositions become ineligible for expungement if a conviction is also contained within a unit.

Worsening the situation, the excess charges—even though a not-guilty or *not prosse* may result—remain online in Maryland's Judiciary Case Search, creating an unfair suspicion by employers that may block employment or even job interviews.

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.

While there are minor tax revenue losses and administrative costs to reinstating this program, legislators should put this in some larger contexts. Without employment, the ex-offender is approximately twice as likely to return to prison, costing taxpayers \$38,000 per year on average—much more than SB 589's projected costs.

In addition to this cost of incarceration, Maryland should consider the impact on possible victims and on children and communities of the ex-offenders. According to a 2015 Huffington Post report, studies indicate that

Children of felons are seven times more likely to be incarcerated themselves. They are more likely (23 percent vs. 4 percent) to be expelled or suspended from school than other children.

For all these reasons, expungement measures to assist ex-offenders' employment should be understood as important measures to support reduce taxpayer costs, as well as to promote family stability, public safety and crime-prevention. Maryland Alliance for Justice Reform (MAJR) strongly supports SB 589 and urges the Committee to give the bill a favorable report.

Please note: This testimony is offered for MAJR and not for the Md. Judiciary.