

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 797

Compensation to Individual Erroneously Convicted, Sentenced, and Confined or Whose Conviction or Adjudication Is Reversed

TO: Hon. William Smith, Chair, and Members of the Judicial Proceedings Committee

FROM: Christopher Dews, Policy Advocate

DATE: February 26, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for policies and programs to increase the skills, job opportunities, and income for low-income workers in Maryland. We strongly support Senate Bill 797 as a means of increasing the employability of those who have been erroneously convicted due to the misconduct of law enforcement.

Individuals with criminal records face countless obstacles when attempting to move beyond their criminal histories, the most significant of which is often employment. Even those who have been unjustly convicted due to no fault of their own still face bias because of the existence of their criminal record. This bias is only perpetuated by state court systems – including Maryland – that permits criminal record information to be posted online. In Maryland, employers are able to access a prospective employee's adult criminal record online at the click of a mouse. This means that a person must explain their dated record even if it is 5, 10, or 15 years old, and *even* if they were erroneously convicted. As a result, employers often refuse to hire applicants with criminal records, even if they should have never been convicted of a crime.

Currently, Marylanders who have been exonerated are eligible for expungement if he or she has committed *one* criminal act, is pardoned by the Governor, files a petition for expungement, and then pay the associated fees. This is quite a process for an individual who has already paid a debt to society that he or she did not owe. Additionally, as it stands, the expungement of a case record does not necessarily destroy arrest records or documents related to the individual's confinement.

Individuals who have suffered through this process deserve Maryland's most concerted effort to best position them for employment after so much time lost. Senate Bill 797 seeks to address this issue by requiring the expungement of both court and police records within 30 days of determining entitlement. In addition, Senate Bill 797 removes these records free of charge. This access to

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expungement means that Marylanders who have been exonerated due to police misconduct do not risk being misjudged twice – first in the courtroom, and second by a prospective employer.

If enacted, this legislation would serve as a major step toward connecting willing and able job seekers with employment opportunities that would help them restart their lives. While the State may not be able to remove the effects of unjust confinement, it can remove the stain of an unjustified criminal record. For all these reasons, we respectfully urge a favorable report of Senate Bill 797.