

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 811:
AUTOMATIC EXPUNGEMENT- NON CONVICTIONS

TO: Chairman. William C. Smith, and members of the Senate Judicial Proceedings Committee

FROM: Caryn York, Chief Executive Officer

DATE: March 5, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support Senate Bill 811 as a means of reducing the impact of incarceration on low wage workers and eliminating barriers to employment.

Currently, Marylanders can obtain an expungement for charges that result in an acquittal, dismissal of charges, nolle pros, stet, or Probation before Judgment (PBJ). In addition, individuals convicted or found not criminally responsible of specified public nuisance crimes are also eligible for expungement. However, many individuals are unaware that they have a record and do not move to seek expungement if they were found **not** guilty. As a result, thousands of Marylanders are stuck with dated records, many of which are non-convictions that hinder their ability to secure employment. Additionally, individuals seeking expungement services are subject to a waiting period that can last, in some cases, as long as fifteen years.

As reported in JOTF's "Criminalization of Poverty: How to Break the Cycle Through Policy Reform," the consequences of a criminal record are longstanding and nearly insurmountable. It presents an even larger barrier for communities of color, who are statistically more likely to be arrested, and account for nearly 72 percent of the prison population while only making up 24 percent of the state's population. Our report shows that an African-American male without a criminal record is less likely to be called back during the hiring process than a similarly qualified white male with a criminal record. This fact is further alarming juxtaposed with the state's unemployment rate, which is twice as much for African Americans.

Senate Bill 811 seeks to address this issue by automatically expunging charges for any individual found not guilty. This bill would also prohibit a person entitled to automatic expungement from being required to pay any fees in connection with the expungement.

Criminal records serve as both the cause and consequence of poverty for many Marylanders looking for work. JOTF fully supports any legislation that eliminates any barriers to employment for low-wage and low-income workers in the state of Maryland. For these reasons, we respectfully urge a favorable report of Senate Bill 811.