



FACSIMILE NO.

STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL

WRITER'S DIRECT DIAL NO.

March 5, 2020

To: The Honorable Williams C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: The Office of the Attorney General

Re: SB 900 – Criminal Records – Disclosure of Information – Prohibited Acts (SUPPORT)

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The Office of the Attorney General supports Senate Bill 900 and urges a favorable report. This bill prohibits an employer from requiring an applicant to provide information regarding a conviction that the Governor pardoned. It precludes an educational institution from refusing to admit a person with a conviction that the Governor pardoned. Finally, it prevents private entities from disclosing information relating to a pardoned or expunged conviction. This latter category of prohibition is especially salutary because online data aggregators operating in the shadows frequently lack the necessary internal controls or quality assurances to ensure information they sell is accurate.<sup>1</sup>

Past crimes that are ultimately pardoned bear no relevance to an applicant's employability or capacity to be educated. Therefore, SB 900's prohibitions logically prevent employers from requiring their disclosure and educational institutions from refusing admission to anyone for whom the Governor has pardoned a crime.

For all of the foregoing reasons, the Office of Attorney General urges a favorable report on SB 900.

cc: Members of the Judicial Proceedings Committee

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<sup>1</sup> See Steven Melendez and Alex Pasternack, *Here are the data brokers quietly buying and selling your personal information*, FastCompany (Mar. 2, 2019), available online at: <https://www.fastcompany.com/90310803/here-are-the-data-brokers-quietly-buying-and-selling-your-personal-information> ("Apart from the dangers of merely collecting and storing all that data, detailed (and often erroneous) consumer profiles can lead to race or income-based discrimination, in a high-tech version of redlining.").

