

SB0596_FAV_JOTF.pdf

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Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 596:

TO: Hon. Brian Feldman, Chair, and members of the Senate Education, Energy, and the Environment Committee

FROM: Christopher Dews, Policy Consultant

DATE: March 7th, 2023

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-wage workers and job seekers in Maryland, and to remove barriers to employment. **JOTF strongly supports Senate Bill 596 as a means of removing barriers to employment for returning citizens.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the 25% of working-age Marylanders with a record. Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. Individuals with a record are also often prevented from obtaining an occupational license and mastering a trade.

According to the Bureau of Labor Statistics, more than [one-quarter of workers in the United States require a professional license](#); however, for individuals with criminal convictions, occupational licensing, and certification can present a significant barrier to employment. According to the American Bar Association's [National Inventory of the Collateral Consequences of Conviction](#), there are 521 collateral consequences related to occupational licensing and professional certifications in Maryland. Maryland's statute states in [Criminal Procedure §1-209](#) that state licensing boards may not deny occupational licenses or certificates to applicants solely on the basis of a prior conviction, unless:

1. There is a direct relationship between the applicant's previous conviction and the specific occupational license or certificate sought; or
2. 2) the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

Although the statute supposedly requires a direct relationship between convictions and a license, the reality is that loopholes that allow Boards to deny applicants who they deem pose an "unreasonable risk" overshadow the statute, as we have often seen with incoming students in our BetterU Pre-Apprenticeship Training Program. Note that this section exists in the Criminal Procedure section of the code and *not* the Business Occupations and Professions Section- allowing some licensing boards to equivocate over whether this law applies to their specific field. The statute also permits the denial, suspension, and

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revocation of licenses and imposition of probation for individuals who commit offenses related to the possession of controlled dangerous substances.

Licensing laws and restrictions on individuals with a criminal record disproportionately affect people of color and low-income populations. In Maryland, black individuals constitute 31% of state residents, but 71% of the prison population. Meanwhile, low-income occupations are much more likely to require a license. The cumulative impact of these policies poses a significant barrier to employment and affects not just directly impacted individuals and their successful reentry, but their families and communities.

Finally, the Division of Occupational and Professional Licensing has found no records of anyone denied a license based solely on a criminal record from 2014 through 2018; this data suggests that individuals are deterred from even applying. Of the 613,034 license applications received over this eight-year period, only 0.13%, or 803, had a criminal record. Given that over 35,000 individuals were released from prison in this period, that many more acquired criminal records during this time, and that most low-income professions require a license, it can be surmised that Maryland laws around restrictions for licensure bar returning citizens from even applying for a license.

Senate Bill 596 seeks to address this by prohibiting any board or commission established under the Business Occupations and Professions Article from requiring an applicant for an occupational license or certificate to disclose any specified information relating to the applicant's prior criminal history. It strengthens the protections listed in [Criminal Procedure §1-209](#) and eliminates any loopholes used by licensing boards to deny applications from the returning citizen population. It still excludes violent crimes as defined in [Criminal Law §14-101](#) which effectively addresses any public safety concerns that will arise.

Senate Bill 596 is also in line with a 2016 Collateral Consequences Workgroup report that recommended that Maryland consider passing a comprehensive anti-discrimination law as a way to address the barriers that individuals with criminal records face in both hiring and occupational licensing. JOTF fully supports this bill as a step in addressing the complex web of consequences of a criminal record that prevent lower-income communities from securing stable and meaningful employment. We respectfully urge a favorable report on Senate Bill 596.

SB596 FAV Testimony - JOTF - Business Occupations

Uploaded by: Ioana Stoica

Position: FAV

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TESTIMONY IN SUPPORT OF SENATE BILL 596:

Business Occupations and Professions - Occupational Licenses and Certificates - Criminal History

TO: Brian J. Feldman, Chair, and members of the Senate Education, Energy, and the Environment Committee

FROM: Ioana Stoica

DATE: March 6, 2023

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-wage workers and job seekers in Maryland, and to remove barriers to employment. **JOTF strongly supports Senate Bill 596 as a means of removing barriers to employment for individuals with a criminal record, and of improving reentry outcomes for formerly incarcerated individuals.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the 25% of working-age Marylanders with a record. Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. Individuals with a record are also often prevented from entering into business for themselves through, for example, obtaining an occupational license.

The Institute for Justice ranks Maryland as 11th in most burdensome licensing laws and 20th in most broadly and onerously licensed state, with almost 60% of all low-income occupations requiring an occupational license. In 2015, the Obama administration released a framework for reforming occupational licensing policy. The subsequent FY2016 Budget included \$15 million for Department of Labor funding to identify, explore, and address areas where licensing requirements create barriers to labor market entry and labor mobility. This funding was used in part to establish a multi-year study of a consortium of 11 states, including Maryland. The Consortium final report, released in 2020, identified three populations facing significant barriers to employment due to licensure requirements, including individuals with a criminal record.

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Senate Bill 596 would begin addressing this undue burden by allowing individuals to seek meaningful employment in fields in which they are otherwise qualified to work.

Not only does our State receive poor grades on onerous licensing requirements, but it is one of the lowest rated on scales of barriers to professional licensing imposed on individuals with a criminal record. Although statute requires a direct relationship between convictions and a license, the reality is that loopholes that allow Boards to deny applicants who they deem pose an “unreasonable risk” overshadow statute, as we have often seen with incoming students in our BetterU Pre-Apprenticeship Training Program.

Licensing laws and restrictions on individuals with a criminal record disproportionately affect people of color and low-income populations. In Maryland, black individuals constitute 31% of state residents, but 52% of people in jail and 69% of people in prison. Meanwhile, low-income occupations are much more likely to require a license. The cumulative impact of these policies poses a significant barrier to employment and affects not just directly impacted individuals and their successful reentry, but their families and communities.

Finally, the Division of Occupational and Professional Licensing has found no records of anyone denied a license based solely on a criminal record from 2014 through 2018; this data suggests that individuals are deterred from even applying. Of the 613,034 license applications received over this period of 8 years, only 0.13%, or 803, had a criminal record. Given that over 35,000 individuals were released from prison in this period, that many more acquired criminal records during this time, and that most low-income professions require a license, evidence points to Maryland laws around restrictions for licensure being a barrier for applicants even just considering obtaining a license.

The Job Opportunities Task force fully supports this bill as a step in addressing the complex web of consequences of a criminal record that disproportionately affects our low-income and black residents, and prevents them from securing stable and meaningful employment. We respectfully **urge a favorable report on Senate Bill 596.**

For more information, contact:

Ioana Stoica / Policy Advocate / ioana@jotf.org / 240-643-0059

BDCBT SB 0596 Occupational Licensing and Certifica

Uploaded by: Jeffry Guido

Position: FAV



Maryland Senate - Education Energy and the Environment Committee

Chair: Brian J. Feldman
Vice Chair: Cheryl C. Kagan

Senate Bill 0596 - Occupational Licensing and Certification - Criminal History - Prohibited Disclosures and Predetermination Review Process

Position: Support

The Baltimore DC Metro Building Trades Council is in support of SB 0596. As many of our crafts require an occupational license to install certain building construction systems and the law requires a license be held to do these installations an individual should not be penalized from making a living for past mistakes. Once a debt to society has been fulfilled access to honest work and good wages should not be denied to an individual that is qualified to perform that work.

We urge the Committee for a favorable report. Thank you.

Sincerely,

Jeffry Guido

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JPC SB596 Testimony.pdf

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Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB596**

**-Business Occupations and Professions – Occupational Licenses
and Certificates – Criminal History-**

Before the Education, Energy and the Environment Committee

on March 7, 2023

Chair Feldman, Vice-Chair Kagan, and Members of the Committee:

SB 596 to remove certain past criminal records from hindering access to occupational licensing for individuals looking for employment.

- **According to the Bureau of Labor Statistics, more than one-quarter of workers in the United States require a professional license; however, for individuals with criminal convictions, occupational licensing, and certification can present a significant barrier to employment.**
- **According to the Bureau of Justice Statistics, there are over 1.5 million Marylanders with a criminal record.**
- **Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, whether or not a person is ever convicted of a crime.**
- **Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly**

visible via Maryland Case Search until the charges and dispositions are expunged.

- According to the American Bar Association’s National Inventory of the Collateral Consequences of Conviction, there are 521 employment-related collateral consequences for individuals with convictions in Maryland.
- A 2009 report by the Department of Legislative Services noted the prohibition of employment or denial or revocation of an occupational license in 55 distinct occupations based on the possession of a criminal record, felony, or misdemeanor conviction, or conviction of committing specific offenses.

CURRENT LAW

- Maryland’s statute states in Criminal Procedure §1–209 that state licensing boards may not deny occupational licenses or certificates to applicants solely on the basis of a prior conviction, unless:
 - There is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought; or
 - the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.
- Although the statute supposedly requires a direct relationship between convictions and a license, the reality is that loopholes that allow Boards to deny applicants whom they deem pose an “unreasonable risk” overshadow the statute.
- Note that this section exists in the Criminal Procedure section of the code and not the Business Occupations and Professions Section- allowing some licensing boards to equivocate over whether this law applies to their specific field.

SOLUTION

- **Senate Bill 596 seeks to address this by prohibiting any board or commission established under the Business Occupations and Professions Article from requiring an applicant for an occupational license or certificate to disclose any specified information relating to the applicant's prior criminal history. It strengthens the protections listed in Criminal Procedure §1-209 and eliminates any loopholes used by licensing boards to deny applications from the returning citizen population. It still excludes violent crimes as defined in Criminal Law §14-101, which effectively addresses any public safety concerns that will arise.**

CLOSING

- **Returning citizens need jobs and one of the major ways they accomplish this is through the skilled trades. It was recommended in a 2016 Collateral Consequences Workgroup report that Maryland consider passing a comprehensive anti-discrimination law as a way to address the barriers that individuals with criminal records face in both hiring and occupational licensing. This bill does just that.**

For these reasons, I respectfully request a favorable report on Senate Bill 596.

Sincerely,



Jill P. Carter, Esq.