

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Criminal Procedure – Expungement of Records – Modifications

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

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 The REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City. The Department of Justice has [found](#) high recidivism rates among returning citizens, with half of all returning citizens recidivating within three (3) years and 60 percent recidivating within five (5) years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: [over 60 percent of formerly incarcerated persons remain unemployed](#) one year after their release. This is mainly due to the fact that more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens on the basis of a record. A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study [revealed](#) that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

According to a [recently released report](#) (pg.4-5) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. Regarding non-violent felonies, Maryland ranks 35th in the nation on

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expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. [Maryland Code Ann., Criminal Procedure §10–110](#) lays out which crimes are eligible for expungement under the mentality that certain offenses should *not* be held against Marylanders forever. The REDEEM Act takes this argument to its logical conclusion and simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Lastly, it is important to note that the only felony convictions that will have their waiting periods reduced are drug possession and distribution, thefts, and burglaries. Violent convictions are *excluded* from the REDEEM Act.

The REDEEM Act makes several changes to the expungement statutes including:

1. *Eligible Misdemeanors*
 - a. From 10 to 3 years
2. Contact Misdemeanors (Common-Law Battery & 2nd Degree Assault)
 - a. From 15 to 5 years
3. *Eligible Non-Violent Felonies*
 - a. From 15 to 5 years

Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability** for the 1.5 million Marylanders (REDEEM) who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be why returning citizens are locked out of employment over a decade after serving their time. For these reasons, we urge a favorable report on The REDEEM Act and are open to discussing the provisions of the bill with the committee members.

The Undersigned Organizations/Individuals Support The REDEEM Act

1. BetterU Construction Training
2. Out for Justice
3. Life After Release
4. Helping Oppressed People Excel (H.O.P.E.)
5. Maryland Nonprofits
6. Public Justice Center
7. Maryland Community Action Partnership
8. Maryland Alliance for Justice Reform
9. The People's Commission to Decriminalize Maryland
10. Baltimore Action Legal Team
11. Baltimore Green Justice Workers
12. Office of the Public Defender
13. Healthcare for the Homeless
14. Homeless Persons Representation Project
15. Maryland Volunteers Lawyer's Service
16. Maryland Legal Aid
17. Court Watch PG

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| 18. Becca Gardner | 29. Adam Rosenthal |
| 19. Maryland Office of the Public Defender | 30. Southwest Partnership |
| 20. Helping Ourselves to Transform | 31. Joshua Rosenthal |
| 21. Public Justice Center | 32. Maryland Nonprofits |
| 22. 1199 SEIU United Healthcare Workers East | 33. Glen Rosenberg |
| 23. Prison to Professionals (P2P) | 34. Urban Smart |
| 24. Takoma Park Mobilization | 35. Cornerstone Community Housing |
| 25. Rachael Mady | 36. Baltimore Harm Reduction Coalition |
| 26. John Ford (D46, 21224) | 37. Mara Braverman |
| 27. Justice Policy Institute | |
| 28. Marian House | |



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MARIAN HOUSE



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TOGETHER**

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MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities

