



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All

February 17, 2023

Chairman Luke Clippinger
House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Department of Planning – Collateral Consequences for Individuals With Criminal Records – Study

Dear Chairman Clippinger and Members of the Committee:

Thank you for the opportunity to testify on House Bill 544. Maryland Legal Aid submits this testimony at the request of Delegate Mireku-North.

Maryland Legal Aid (MLA) assists low-income individuals throughout the state with civil legal issues. Many of the fundamental rights named in this bill correspond directly with MLA's practices areas, including employment, expungement, public benefits, and family law. HB544 will require the Maryland Department of Planning to study the collateral consequences Maryland citizens face as the result of criminal records and to make recommendations based on those findings. A criminal history can impact an individual's ability to parent their children, to obtain work and professional licenses, and to secure housing; the very basic rights all Marylanders deserve to exercise. This study will examine how criminal records impact Marylanders' ability to fully participate in civic life.

House Bill 544 presents a unique opportunity to collect a critical body of data that can serve as a launching pad for this legislative body and other agencies to create sweeping and historic change. This should include not just laws and policies to address the harmful impacts of criminal records, but also to create changes that will divert criminal justice involvement altogether. Additionally, it is time to center this work in equity. We know that Black and brown people are [disproportionately arrested and convicted](#). The data gathered by enacting this bill will highlight [the many ways communities of color also suffer greater secondary harms](#) because of justice involvement. Passing this bill should be a first step in the creation of legislation and other policies and programs to address collective trauma, generational economic loss, and other systemic inequities.

The direct consequence of criminal justice involvement is, of course, any sentence or penalty imposed by a court. The idealized view of American criminal justice is that an individual receives their punishment, completes the related sentence, and moves on. This is not reality. The long-term civil impacts of arrests and convictions are often referred to as collateral consequences, but collateral is not synonymous with trivial or unimportant. MLA knows that even our clients who are arrested, but not convicted, face detrimental consequences. Of course, these consequences are most harshly felt by low-income people like MLA's clients, for whom just one missed paid workday as the result of an arrest can

be the springboard to cataclysmic life changes, such as losing a job, a house, a driver's license, a professional license, or even custody of a child.

Expungement has helped ease the burden of some of the consequences of justice involvement by creating greater access to opportunities. However, because many of our clients are not eligible for expungement until decades after their convictions, many have also struggled for years before they walk into an MLA office or expungement clinic.¹ Additionally, expungement is not available to everyone. There are only three felony convictions that are eligible for expungement in Maryland at the time of this writing: burglary, possession with intent to distribute, and theft. The universe of possibly expungable misdemeanors is not as limited but is still restricted to a list of specific crimes. There are myriad other crimes that are arbitrarily excluded from the expungement statute. Each crime has sentencing guidelines that reflect the seriousness of the charge, and that associated sentence should be penalty enough. Instead, even after serving their time, many individuals are faced with what amounts to a modified life sentence. Yes, they are no longer incarcerated, but they are prohibited from fully participating in their communities—not to mention paying taxes and contributing to our economy and community. This economic and societal alienation can lead to a cycle of recidivism. Prohibiting the many thousands of state residents who have criminal records from working is a lost opportunity to grow Maryland's taxable workforce and economy.

Thank you for providing Maryland Legal Aid the opportunity to comment on this important piece of legislation. Maryland Legal Aid supports House Bill 544 and asks that this committee give it a favorable report.

s/Abby Moskowitz
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Maryland Legal Aid

¹ Maryland Legal Aid has provided testimony on Senate Bill 17 which provides an opportunity for an earlier expungement based on good cause.

<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SB0017?ys=2023RS>