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Ways and Means Committee

Subcommittees

Early Childhood

Local Revenues



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

TESTIMONY IN SUPPORT OF HB0544

Department of Planning - Collateral Consequences for Individuals With Criminal Records - Study

TO: Members of the House Judiciary Committee

FROM: Delegate Bernice Mireku-North

DATE: February 21st, 2023

Greetings colleagues, I am Delegate Mireku-North presenting to you House Bill 544. This bill permits Maryland Department of Planning, in coordination with the Maryland State Data Center, to study, report on, and make recommendations pertaining to the impact of criminal records on Maryland's returning citizens.

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. As described in the Impact Note for this bill, the 71% exists despite African Americans being only 29% of the overall population. The Department of Justice has [found](#) high rates of recidivism among returning citizens, with half of all returning citizens recidivating within three years and 60 percent recidivating within five 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 because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on 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. [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.

The American Bar Association also acknowledges that there are over 1100 Collateral Consequences for having a record, and they often combine to make proper reentry untenable. For example, a citizen recently returning from incarceration may find that his/her driver's license has been suspended for failure to provide child support, sharply restricting their mobility and job prospects. Most criminal convictions will also prohibit returning citizens from receiving public housing assistance or benefits like welfare and student aid. They may also be evicted from any public sector housing, depending on the nature of their conviction. Four out of five landlords perform background checks on every applicant that applies for housing and have the power to deny access based on a record. It is similar to occupational licensing. 55 of the most common licensing boards in the state of Maryland will examine an individual's record and are known for preventing the distribution of the license based on the conviction, regardless of if the returning citizen trained for that position.

This study will assess the impact of criminal records on just a few of the over 1000 collateral consequences: 1) the right to vote; 2) the right to hold public office, 3) employment restrictions; 4) the ability to obtain business, occupational, and professional licenses, including liquor licenses ;5) restrictions on public assistance such as federal and state grants, cash assistance, food assistance, and public housing; 6) restrictions on international travel; 7) the abrogation of parental rights; 8) and jury service.

These are a sample of the issues that an individual with a criminal record face when trying to re-enter society. More information laying out the impact of incarceration on Marylanders can be found in Part III of [JOTF's Criminalization of Poverty Report](#) from 2018. These concerns must be studied further, and HB0544 seeks to do just that.

When he took office, Gov. Moore promised Maryland that going forward we will leave no one behind. This study takes up that powerful call to action by calling on the state through the Department of Planning to produce researched and data-driven recommendations on how best to ensure that all Marylanders, with and without criminal records, are afforded the same basic rights and opportunities. The research and recommendations this study will provide will be necessary for us to craft well-informed, data-driven, heart-led legislation to address the collateral consequences of a criminal record. For this reason, I urge you to report favorably on HB544 am open to discussing the bill's provisions with the committee members.

Delegate Bernice Mireku-North