



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

March 9, 2023

HB 1163 Human Relations – Protections Against Discrimination – Criminal
Records

POSITION: Support with Amendments

Dear Chairperson, Clippinger, Vice Chairperson Moon, and Members of the House
Judiciary Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

HB 1163 prohibits discrimination based on an individual's criminal record in employment, housing, public accommodations, commercial leasing, and by certain licensed or regulated persons. The bill establishes certain exceptions to certain prohibitions established under the Act and it establishes that certain crimes are not included in the definition of "criminal record" for the purposes of the provisions prohibiting discrimination.

“Criminal record” as defined in HB 1163 includes people who have been arrested, on probation or parole. According to the National Institute of Corrections, in 2020, there were 56,551 Marylanders under probation and 9,490 under parole. According to the Maryland State Police’s Uniform Crime Report, in 2020, there were 127,748 arrests reported in 2020. These numbers do not include the number of Marylanders with a conviction record.

The data shows that there is a significant number of people who suffer discrimination and are prevented from obtaining legitimate jobs, licenses, and adequate housing upon returning to society or because of having a conviction record. Further, a disproportionate percentage of arrest records are members of a minority group who are profiled for arrests. For these reasons MCCR supports HB 1166. However, MCCR has proposed to the bill sponsor a certain number of amendments to add other vulnerable populations to the exemption definition and to provide additional guidance for employers and housing providers regarding the type of criminal conviction that may be considered in making employment or housing decisions.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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Should HB 1163 become law the potential volume of complaints will challenge the current resources of the agency and MCCR will need additional resources to implement the mandate of HB 1163. However, the harm that HB 1163 seeks to remedy by including possessing a criminal record as a protective class is supported by MCCR.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB 1163 with amendments. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.