

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF HOUSE BILL 544:

Criminal Procedure – Expungement of Records – Expansion

TO: Hon. Luke Clippinger, Chair, and members of the House Judiciary Committee

FROM: Ioana Stoica

DATE: February 17, 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 House Bill 0544 as a means of studying the extent and disparate impact of collateral consequences for individuals with a criminal record, which include reduced access to employment, educational opportunities, and the social safety net.**

Collateral consequences create social and economic barriers for individuals reentering into society by denying or restricting benefits otherwise available to others. In 2018, JOTF released its groundbreaking report called “The Criminalization of Poverty” which dissects the various intersections by which Maryland residents from impoverished communities unjustly encounter the criminal justice system. 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. The Collateral Consequences Resource Center estimates that there are over 1100 consequences of having a criminal record, including barriers to employment, housing, education, public assistance, and occupational licensing.

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. 70% of employers in Maryland will conduct a background check on *all* of their job applicants and will deny employment on the basis of the appearance of a record, regardless if the individual was found guilty or not. For those who are able to obtain jobs, data shows that they are paid much less - around 40% less on average - than individuals without a record. And, those with a record in Maryland are also often prevented from entering into business for themselves through, for example, obtaining an occupational license, if they have a record.

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Collateral consequences disproportionately affect people of color and economically disadvantaged populations. In Maryland, black individuals constitute 31% of state residents, but 52% of people in jail and 69% of people in prison. Meanwhile, communities with higher rates of incarceration also struggle with higher drop-out and unemployment rates, and lower incomes and life-expectancy. The impact of a record is far-reaching and affects not just directly impacted individuals and their successful reentry, but their families and communities.

The Job Opportunities Task force fully supports the data collection and analysis required by this study as a first 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 House Bill 544.