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POSITION ON PROPOSED LEGISLATION

BILL: HB 544 – Department of Planning - Collateral Consequences for Individuals

With Criminal Records - Study

FROM: Maryland Office of the Public Defender

POSITION: Favorable

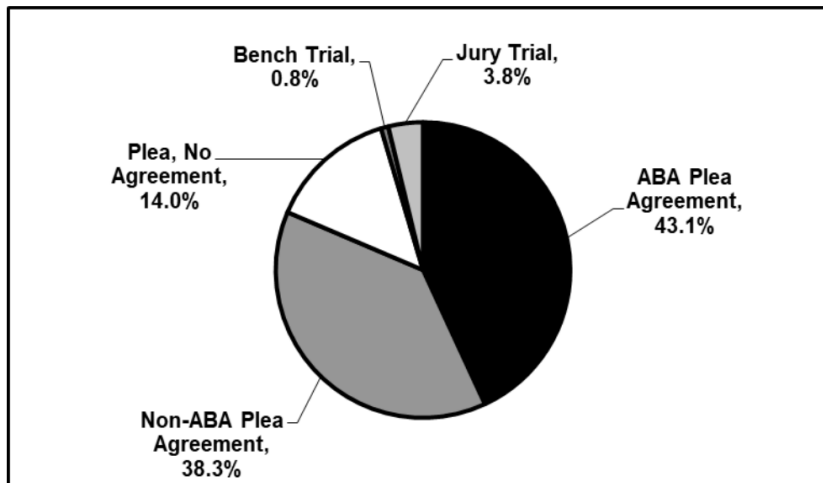
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The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 544.

Understanding the collateral consequences for a criminal conviction is an issue that is important for all Marylanders. Maryland has an incarceration rate of [53 per 100,000 people](#). Nearly [8,000 people](#) are released from Maryland prisons annually. The Maryland General Assembly needs to understand the consequence of the myriad criminal bills that come before them each year.

Moreover, the current intangible nature of collateral consequences of criminal convictions and absence of a clear compilation of such consequences leads to inaccurate plea bargaining processes. For example, often the accused is unaware of the collateral consequences of a potential plea offer when they choose to forego their fundamental right to trial. Defense attorneys should be equipped with the information to explain the continued consequences of a conviction, and this information should be accessible to the public at large. Additionally, a complete knowledge of the criminal consequences of a conviction would allow any Assistant State's Attorney, judge, and defense attorney to adequately evaluate the actual impact of a plea or trial on the accused. The transparency of the plea process is critical. In [2018](#), nearly 95% of criminal proceedings in Maryland were disposed of by way of plea agreement.

Figure 11. Distribution of Guidelines Sentencing Events by Disposition, Fiscal Year 2018



Thus, an accused person’s understanding of **all the consequences of their plea is critical.**

In [Arresting Citizenship](#), Professors Amy Lerman and Vesla Weaver demonstrate the harrowing scope of this issue. No less than one-third of America’s adult population has passed through the criminal justice system and is now saddled with a criminal record. Although the consequences of such records are popularly referred to as “collateral,” they are anything but insignificant. Criminal convictions can bar people from participating in the most fundamental acts of political citizenship, including: attaining desired employment, voting, serving on a jury, and holding public office. This type of long-term exclusion from full political citizenship runs directly counter to the principle that, once released, a formerly incarcerated individual has paid their debt to society

Studies such as the one proposed by House Bill 544 are a critical step to ensure that Marylanders with criminal convictions have the ability to improve their future, and with it the future of Maryland.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 544.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.