



TESTIMONY IN OPPOSITION OF SENATE BILL 873

Criminal Law – Assault in the Third Degree

TO: Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant (Out for Justice)

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Out for Justice, Inc. (OFJ) is an organization comprised of individuals directly and indirectly impacted by the criminal legal system. It advocates for reforming policies and practices that adversely affect successful reintegration into society. We oppose Senate Bill 873, which would remove second-degree assault and protective orders from the Expungement List.

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. The Department of Justice has [found](#) high recidivism rates among returning citizens, with half of all returning citizens recidivating within three (3) years and 60 percent recidivating within five (5) 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 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.

Due to the above circumstances, Out for Justice strongly opposes any bill limiting the number of charges eligible for expungement, as it would be detrimental to our member



base of systems-impacted Marylanders. Senate Bill 873 would remove second-degree assault and protective orders from the expungement list, two charges that advocates have worked for years to allow to be expunged. Removing these prevalent charges would block tens of thousands of Marylanders from expungement *after they have completed their sentence, finished parole or probation, and waited the additional 5-7-year waiting period.* This would subsequently increase barriers to education, housing, employment, and more for returning citizens who already climb complex barriers to remain stable upon release.

For this reason, we urge an unfavorable report.