



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
SB0123

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

Bill Summary

This bill requires the Maryland Department of Planning (MDP), in coordination with the Maryland State Data Center, to study and make recommendations relating to collateral consequences for individuals with criminal records, as specified. By December 31, 2023, MDP must report its findings and recommendations to the General Assembly.

Racial Equity Impact Statement

The overrepresentation of racial minorities – especially Black or African American individuals – in the State’s criminal justice system means that they are disproportionately impacted by the post-charge impacts of having a criminal record. The bill’s provisions requiring a comprehensive study of these collateral consequences would provide a helpful foundation for crafting future policies to ameliorate these effects. The data from this study would also assist in future equity impact analyses of legislation.

Analysis

The bill requires MDP, in coordination with the Maryland State Data Center, to study, report on, and make recommendations relating to certain collateral consequences for individuals with criminal records including (1) the right to vote; (2) the right to hold public office; (3) restrictions on employment in certain professions and policies, practices, and statistics regarding private employers in the State in hiring individuals with criminal records; (4) restrictions on the ability to obtain certain business, occupational, and professional licenses, including a liquor license; (5) restrictions on the receipt of public assistance, including federal or state grants, federal cash assistance, food assistance, and public housing; (6) restrictions on international travel; (7) the abrogation of certain parental rights; and (8) restrictions on jury duty service.

The U.S. Commission on Civil Rights describes collateral consequences as “sanctions, restrictions, or disqualifications that stem from a person’s criminal history.” This is distinguished from the direct consequences of a criminal record imposed by a court at sentencing. While sentencing may include things like imprisonment, community supervision, or fines, collateral consequences are conceptualized as civil opportunities and benefits that are no longer fully available to a person due to their criminal record. The American Bar Association’s National Inventory of the Collateral Consequences of Conviction lists more than 38,000 collateral consequences of criminal conviction.

A 2016 report conducted by the Governor’s Office of Crime Prevention, Youth, and Victim Services (formerly named the Governor’s Office of Crime Control and Prevention) finds that there are notable collateral consequences to having a criminal record that often exacerbate the challenges of social reintegration following imprisonment. Even individuals convicted of criminal charges that do not face imprisonment may still see significant adverse effects as a result of having a criminal record. These adverse effects include reduced access to housing, public services, voting, holding public office, employment opportunities, and professional licensure. That report recommended several approaches to removing barriers to public and private-sector employment for individuals with a criminal history.

A 2021 Department of Legislative Services report details the collateral consequences of a conviction that are currently mandated in State law, including voting rights, jury service, firearms, licensing and employment, and alcoholic beverage licenses. The Department of Public Safety and Correctional Services reports that for fiscal 2022, Blacks or African Americans made up 71% of Maryland’s prison population contrasted with their 29% share of the State’s overall population. As such, collateral consequences impact Blacks or African Americans significantly more than other racial groups.

Conclusion

Since Maryland reflects national patterns of minority disenfranchisement in its criminal justice system and in various aspects of general society, further expanding research on the collateral consequences of criminal records and convictions would inform racial equity discussions and allow more meaningful analysis that would be beneficial to understanding the effects of these consequences on former offenders. Conducting and expanding research to better understand the adverse effects of criminal convictions would positively impact marginalized racial groups to the extent that MDP is able to implement the bill by successfully utilizing and/or coordinating information from the relevant State agencies and other entities.

Information Sources: Governor’s Office of Crime Prevention, Youth, and Victim Services; Department of Public Safety and Correctional Services; U.S. Commission on Civil Rights; American Bar Association; Department of Legislative Services

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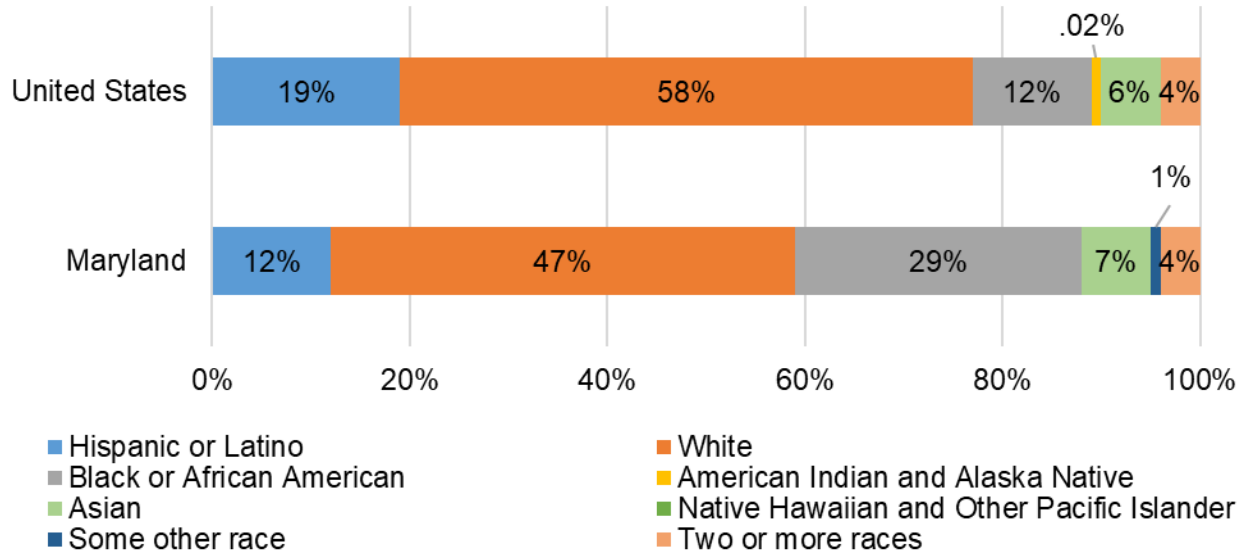
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland's 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland's racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as "other" and "multiracial" (*i.e.*, two or more racial identities), which total 5% of the State's population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report "white" as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State's population.

Compared to the U.S. population overall, Maryland's population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau's [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland's Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State's overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State's population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.