



## POSITION ON PROPOSED LEGISLATION

BILL: SB 39 Collateral Consequences for Individuals with Criminal Records – Study

POSITION: SUPPORT

DATE: February 9, 2021

The Maryland Office of the Public Defender respectfully requests that the Education, Health, and Environmental Affairs Committee issue a favorable report on Senate Bill 39, which would require the Department of Planning to study, report on, and make recommendations relating to certain collateral consequences for individuals with criminal records.

Over the last decade, thanks to influential texts like Michelle Alexander's *The New Jim Crow*, Americans across political and ideological spectrums have [reached consensus](#) that mass incarceration is a moral failure and economic drain. Removing the physical, moral, and economic shackles our mass carceral system has placed upon us, however, involves more than letting people out of prisons and sending fewer in. Indeed, there is a less visible but larger and equally destructive aspect to the problem: *i.e.* collateral consequences of a criminal conviction.

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 record 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.

As Maryland continues to attempt to undo the damage that mass incarceration has wrought, it is imperative that we gain a clear understanding of the full extent of its effect on impacted citizens. Senate Bill 39 would be an important contribution toward this important end.

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For these reasons, the Maryland Office of the Public Defender urges a favorable report on Senate Bill 39.