

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN OPPOSITION TO HOUSE BILL 754:

Criminal Procedure – Expungement – Entitlement

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

FROM: Christopher Dews, Policy Advocate

DATE: February 23, 2021

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. We oppose House Bill 754 as a means of decriminalizing poverty and reducing the impact of incarceration for lower-income workers.

A criminal record can be both the cause and consequence of poverty. Lower-income workers and job seekers are routinely denied employment, housing, and educational opportunities because of a criminal record. As employment barriers increase for people with criminal records, so too does their likelihood of recidivism. With some state court systems – including Maryland – allowing information about one’s criminal record to be posted online, an individual’s criminal history is not only used for law enforcement purposes, but for hiring decisions. In Maryland, employers are able to access a prospective employee’s adult criminal record online at the click of a mouse, without context. This means that a person must explain their dated record even if the incident occurred decades ago or they were acquitted.

Many employers are unaware of the difference between various forms of convictions, charges, arrest warrants, or other possible entries on an individual’s criminal record, making any encounter with the criminal justice system a significant barrier to employment and housing. In addition, employers do not take into account whether an individual’s conviction *directly impacts* their ability to work or has any correlation to their skill set. Moreover, employers often refuse to hire applicants with a criminal record, even if they have never been convicted of a crime.

According to the National Employment Law Project (NELP), one in three US adults have a criminal record that will surface in a routine background check. In Maryland, it is estimated that 1.5 million residents, nearly 25% of the state’s population, have a criminal record. The ability to secure stable employment is crucial to the successful reentry of those individuals who have experienced incarceration. Unfortunately, a criminal record can serve as an insurmountable barrier to securing gainful employment and other critical resources, even if the record did not result in a conviction.

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House Bill 754 seeks to block expungement access for individuals who owe court-imposed fines or fees related to a charge. This bill does not take into account the defendant's ability to pay the imposed fines, offers no payment plan, and assumes that preventing the expungement will incentive payments. As was stated before, criminal records block access to employment and, with that, the wages needed to pay the fines. As the majority of interactions with the criminal justice system are by indigent individuals, this bill effectively ensures that they remain impoverished with no avenue to rise. JOTF strongly opposes efforts to increase barriers to economic mobility for Marylanders already saddled with arrests, charges, and convictions that ruin employment opportunities. For these reasons, we respectfully urge an unfavorable report on House Bill 754.