

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF SENATE BILL 16:

Criminal Procedure - Expungement - Mistaken Identity

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

FROM: Christopher Dews, Senior Policy Advocate

DATE: February 1, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support Senate Bill 16 as a means of expanding access to expungements for those not found guilty of a charge.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the 25% of working-age Marylanders with a record. The Collateral Consequences Resource Center estimates that there are over 1100 consequences of having a criminal record, including barriers to employment, housing, education, public assistance, and occupational licensing. Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. 70% of employers in Maryland will conduct a background check on *all* of their job applicants and will deny employment on the basis of the appearance of a record, regardless if the individual was found guilty or not. For this reason, if we desire to ensure solid access to employment for all workers- especially for those who *have not* been convicted of a crime, automatic expungement of *all* non-convictions is necessary.

There is currently no expressed statute in Maryland law that automatically expunges charges that arose from a case of mistaken identity. As such, it is nearly impossible for an individual who was falsely targeted by law enforcement for a crime to have that record expunged. This is an oversight, that the legislature would be most gracious in correcting by simply adding this circumstance to the [recently created automatic expungement statute](#). A criminal record for charges of mistaken identity or that have been voided in the court system should not hang over anyone's head. JOTF fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in the state of Maryland. Senate Bill 16 does just that- it removes another unnecessarily punitive barrier to employment. For these reasons, we respectfully urge a favorable report of Senate Bill 16.