

# **SB123 FAIR Favorable.pdf**

Uploaded by: Brenda Jones

Position: FAV

## **Favorable Response to SB123**

### **Department of Planning – Collateral Consequences for Individuals With Criminal Records – Study**

Families Advocating Intelligent Registries (FAIR) seeks rational, constitutional sexual offense laws and policies for persons accused and convicted of sexual offenses. We very much support the recommendation in SB123 to study, report, and make recommendations regarding collateral consequences for persons with criminal records.

Should this bill pass, as we hope it will, FAIR suggests that the study team keep a special watch for the sub-segment of the study population which is comprised of persons convicted of sexual offenses. In addition to the collateral consequences experienced by the rest of their cohort, these persons face additional hurdles due to their names and offenses being publicly listed.

In brief, take any consequence faced due to a criminal record, and amplify it fourfold and this may come close to what persons on a public registry face. In fact, some recent reforms which benefit other classes of persons with criminal records *specifically exclude* persons with sexual offenses, when in reality this group has shown itself to be the least likely to reoffend, surpassed only by those convicted of murder.

FAIR highly recommends a review of some of the studies found on the Collateral Consequences Resource Center's website: <https://ccresourcecenter.org/compilations-inventories-of-collateral-consequences/>. A sub-section of the site that is also worth review is its state-specific resources: <https://ccresourcecenter.org/resources-2/state-specific-resources/> which includes many comparative and state-specific details.

Sincerely,



Brenda V. Jones, Executive Director  
Families Advocating Intelligent Registries  
Cell: 301-318-8964

**SB0123\_FAV\_JOTF.docx.pdf**

Uploaded by: Christopher Dews

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## TESTIMONY IN SUPPORT OF SB0123:

### **Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant

DATE: 1/25/2023

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 SB0023 as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

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 rates of recidivism among returning citizens, with half of all returning citizens recidivating within 3 years and 60 percent recidivating within 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 out 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.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

# JOTF JOB OPPORTUNITIES TASK FORCE

## *Advocating better skills, jobs, and incomes*

According to a [recently released report](#) (pg.4-5) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. Regarding non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma.

These are a sample of the issues that an individual with a criminal record faces when trying to re-enter society. More information laying out the impact of incarceration on Marylanders can be found on Part III of [JOTF's Criminalization of Poverty Report](#) from 2018. These concerns must be studied further and SB0023 seeks to do just that. For these reasons, we urge a favorable report on SB0023 and are open to discussing the bill's provisions with the committee members.

# **SB 123 Coll Conseq Study MOPD Fav.docx.pdf**

Uploaded by: Elizabeth Hilliard

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 123 – Department of Planning - Collateral Consequences for Individuals  
With Criminal Records - Study**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

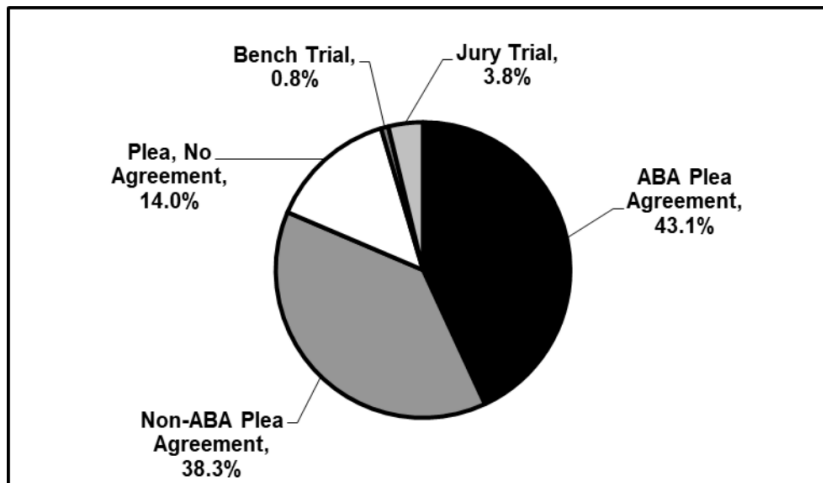
**DATE: 1/24/2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 123.

Understanding the collateral consequences for a criminal conviction is an issue that is important for all Marylanders. Maryland has an incarceration rate of [53 per 100,000 people](#). Nearly [8,000 people](#) are released from Maryland prisons annually. The Maryland General Assembly needs to understand the consequence of the myriad criminal bills that come before them each year.

Moreover, the current intangible nature of collateral consequences of criminal convictions and absence of a clear compilation of such consequences leads to inaccurate plea bargaining processes. For example, often the accused is unaware of the collateral consequences of a potential plea offer when they choose to forego their fundamental right to trial. Defense attorneys should be equipped with the information to explain the continued consequences of a conviction, and this information should be accessible to the public at large. Additionally, a complete knowledge of the criminal consequences of a conviction would allow any Assistant State's Attorney, judge, and defense attorney to adequately evaluate the actual impact of a plea or trial on the accused. The transparency of the plea process is critical. In [2018](#), nearly 95% of criminal proceedings in Maryland were disposed of by way of plea agreement.

**Figure 11. Distribution of Guidelines Sentencing Events by Disposition, Fiscal Year 2018**



Thus, an accused person’s understanding of **all the consequences of their plea is critical.**

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 records 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

Studies such as the one proposed by Senate Bill 123 are a critical step to ensure that Marylanders with criminal convictions have the ability to improve their future, and with it the future of Maryland.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 123.**

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**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**



# **SB 123 Collateral Consequences.Support.Haven.pdf**

Uploaded by: Kimberly Haven

Position: FAV

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# Kimberly Haven

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January 24, 2023

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Chairman Will Smith  
Vice Chairman Jeff Waldstreicher  
Senate Judicial Proceeding Committee

## **Senate Bill 123**

Department of Planning – Collateral Consequences for Individuals with Criminal Records - Study  
**POSITION: FAVORABLE**

Members of the Senate Judicial Proceeding Committee,

My name is Kimberly Haven, and I am submitting this testimony today on behalf of thousands of Maryland citizens like myself who are living under the shackles of collateral consequences brought about by a criminal conviction.

Coming home from prison was hard enough – finding out the magnitude of the collateral consequences was even harder.

We talk about collateral consequences with ease – we acknowledge that they exist. But we have never really examined what they are, the destructive impact of them, and the physical, moral and economic shackles they present.

When I came home, I was ineligible to vote – thankfully we have moved legislation that ensured my right to vote – however, barriers to employment, doing my civic duty being allowed to serve on a jury, barriers to housing still exist. The list is inexhaustible.

**SB 123** would require the Department of Planning to study, report on, and make recommendation relating to certain collateral consequences for individuals such as myself with criminal records. I believe that it is imperative that we get a clear understanding of the full extent of their effects on impacted Maryland citizens.

Senate Bill 123 would be an important contribution toward this important end.

# **Big Govt.pdf**

Uploaded by: Dana Schulze

Position: UNF

STOP enlarging the pockets of our government by taking away from Maryland citizens. This is not the governments job. The role of government to protect the RIGHTS of citizens so they can provide for themselves. STOP the equal outcomes which only serve to race to the bottom for everyone. All people end up at the absolute bottom. Socialism is equal outcomes which equal poverty for everyone. Socialism is the stage of transition prior to communism and characterized by the imperfect implementation of collectivist principles. STOP the march toward communism NOW.