

## SUPPORT SB 37 – 2023 “REDEEM Act”- expungement waiting periods



TO: Chair Will Smith and Senate Judic.Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 2, 2023

Maryland Alliance for Justice Reform (MAJR-[www.ma4jr.org](http://www.ma4jr.org)) strongly supports SB 37 to assist returning citizens seeking honest employment. Currently, state law sets waiting periods of 10 to 15 years for many ex-offenders – and this excessive delay creates obstacles to their successful recovery. SB 37 would reduce the waiting periods to 5 years for more serious offenses and 3 years for less serious ones, as supported by current scientific knowledge.

The problem with Maryland law as pointed out by science Initially, legislators should apply evidence-based principles to our State’s correctional policies, such as expungement. Here are some important principles:

1. Active substance abuse (both alcohol and drugs) is “strongly connected” the offenses of approximately 85% of offenders. See, for example, <https://nida.nih.gov/publications/drugfacts/criminal-justice>

2. However, when an offender cooperates with substance abuse treatment and becomes abstinent for two years, the percentage who commit new offenses becomes much lower. See, for example,

[https://www.naadac.org/assets/2416/whitewl2012\\_recoveryremission\\_from\\_substance\\_abuse\\_disorders.pdf](https://www.naadac.org/assets/2416/whitewl2012_recoveryremission_from_substance_abuse_disorders.pdf)

With five or six years’ abstinence, relapse is resisted by 80%.

3. Is there a method for the State to recognize and reward returning citizens who have accomplished such rehabilitation and who no longer pose much risk to public safety? Yes! It is called “Parole and Probation.” With monitoring by state parole and probation agents, an offender successfully may complete their supervision periods—generally, including substance abuse treatment— and their cases will be closed.

**With SB 37, the waiting period for expungement – indicating a) that a returning citizen has successful completed parole & probation and b) that the individual has a much lower risk to reoffend– would be adjusted and reduced to match the current science**, as discussed above!

4. Expungement, importantly, would create more opportunities for better employment of returning citizens. Both federal and state studies clearly show that ex-offenders who are employed are much less likely to commit new offenses than those who are unemployed. A 2017 Greater Baltimore Committee report summarizes this research, stating: *the single largest determinant of re-arrest and re-conviction is whether or not a person is able to find a job upon release from prison. The probability of re-conviction for someone who is employed within two months of release and earning \$10 or more per hour is only 8 percent, one-third of the probability of an unemployed ex-offender.* Without employment, the ex-offender is approximately twice as likely to return to prison, costing taxpayers over \$40,000 per year. Substance abuse treatment and employment assistance programs are much less costly.

In addition to the cost of incarceration vs. the benefits of employment, Maryland also should consider the impact on possible victims and on children and communities of the ex-offenders. According to a 2015 Huffington Post report, studies indicate that “*Children of felons are seven times more likely to be incarcerated themselves. They are more likely (23 percent vs. 4 percent) to be expelled or suspended from school than other children.*”

**For all these reasons, SB 37—for earlier expungement to assist returning citizens’ employment prospects– should be understood as an important measure to reduce taxpayer costs, as well as to promote family stability, public safety and crime-prevention.** Maryland Alliance for Justice Reform strongly supports passage of SB 37.

*PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.*