



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

February 20, 2024

Governor
Wes Moore

Lt. Governor
Aruna Miller

Commission Chair
Stephanie Suerth, MPA,
CCEP

Commission Vice Chair
Janssen E. Evelyn, Esq.

Commissioners
Diane E. Bernier
Eileen M. Levitt, SPHR,
SHRM-SCP
Angela Scott, Esq.
Magdalena S. Navarro,
MSc
Jeff Rosen
Gina McKnight-Smith,
PharmD, MBA
Isabella Firth Shycoff

Officers
Executive Director
Alvin O. Gillard

Deputy Director
Cleveland L. Horton II

General Counsel
Glendora C. Hughes,
Esq.

House Bill 0788 – Human Relations – Protections Against Discrimination – Criminal Records POSITION: Support

Dear Chair, Clippinger, Vice Chair Bartlett, and Members of the House Judiciary Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 0788 would prohibit discrimination based on an individual's criminal record Under State Government Article, Title 20 (“Title 20”). Crimes against minors or vulnerable adults and an individual’s registration status on the Maryland Sex Offender Registry are not included in the definition for “criminal record”. “Criminal record” is defined as an individual having an arrest, a plea or verdict of guilty, a plea of no contest, a decision to postpone a trial indefinitely, probation, or a decision of no criminal responsibility.

HB 0788 has exceptions for employers to inquire or take action regarding a criminal record, if it is expressly authorized, required, or it is substantially related to the essential functions of the job. Employers and housing providers that offer programs, services, or direct care to minors or vulnerable adults are not subject to this law. Additionally, local jurisdictions can enact or enforce more restrictive laws for criminal record screenings by their employers.

According to the Maryland State Police’s Uniform Crime Report, in 2020, there were 127,748 arrests reported in 2020. These numbers do not include the number of Marylanders with a conviction record. According to the National Institute of Corrections, in 2020, there were 56,551 Marylanders under probation and 9,490 under parole.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202-1631
Phone: 410-767-8600 · Toll Free: 1-800-637-6247 · Maryland Relay: 711 · Fax: 410-333-1841
Website: mccr.maryland.gov · E-Mail: mccr@maryland.gov

A significant number of Marylanders suffer discrimination because of their criminal record or upon returning to society from incarceration. These residents are prevented from obtaining legitimate jobs, professional licenses, and adequate housing. Further, minorities make up a disproportionate percentage of persons with criminal records in the State. Black individuals are five times more likely to be arrested than White individuals. In Maryland, Black residents make up 31% of the population, but 52% of jail inmates and 69% of prisoners. This bill will importantly support Black Marylanders and promote equity.

Should HB 0788 become law, the potential volume of complaints will challenge the current resources of the agency and MCCR will need additional resources to implement the mandate of HB 0788. However, the harm that HB 0788 seeks to remedy by including possessing a criminal record as a protective class is supported by MCCR.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB 0788. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.