

Support SB 701 / HB 1006: Shielding of Nonviolent Misdemeanor Convictions

Increase opportunities for stable employment, lower crime recidivism rates, and increase public safety

The Challenge

- Jobs are the key to our economic recovery, and the ability to secure a job is crucial to the successful re-entry of those returning to society from prison.
- A person's interaction with the criminal justice system should not equate to a lifetime of social and economic disadvantage.
- Creating overwhelming barriers to the job market for individuals with a criminal record compromises public safety.
- No healthy economy can sustain a large and growing population of unemployable workers, especially in those communities already hard hit by joblessness.
- Maryland has the opportunity to ease the social and economic burden on families and communities by ensuring that people who have paid their debt to society are able to live and work productively

The Facts

- 1 in 4 adults has a criminal record.
- The Bureau of Justice Statistics found that recidivism risks are highest in the first 3-5 years following incarceration, with the first year accounting for nearly two-thirds of all the recidivism of the first 3 years.
- A study funded by the National Institute of Justice examined more than 80,000 criminal records and found that there is a way to actuarially estimate a point in time when an individual with a criminal record is of no greater risk of committing another crime than individuals with a criminal record.
- Studies have shown that providing individuals the opportunity for stable employment actually lowers crime recidivism rates and increases public safety.
- One prominent researcher found that a criminal record reduces the likelihood of a job callback or offer by nearly 50%. The effect is even more pronounced for African American men.
- 28 other states have policies in place to limit public access to certain prior criminal convictions in order to mitigate the collateral consequences of a criminal record.

The Solution: Support the shielding of nonviolent misdemeanor convictions

- The proposed legislation would allow persons to petition the court to shield a *specified* number of nonviolent misdemeanor convictions 3-years after the person satisfies any mandatory supervision.
- Shielded records will remain fully accessible to criminal justice units for legitimate criminal justice purposes.
- If a subsequent conviction occurs during the waiting period, the initial offense can no longer be shielded until the subsequent offense becomes eligible for shielding.
- Employers and certain entities with a statutory requirement to inquire into a candidate's criminal background history will have full access to shielded records.

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***"The sentence they were given, it wasn't to punish them for the rest of their lives."
State Senator Stewart Greenleaf (R), Pennsylvania***