

THE MARYLAND REDEEM ACT OF 2019 FACT SHEET **Streamline criminal record expungement to enhance employment**

THE CHALLENGE

- The ability to secure stable employment is crucial to the successful reentry of those individuals who have experienced incarceration. Unfortunately, a criminal record can serve as an insurmountable barrier to securing gainful employment and other critical resources, even if the record did not result in a conviction.
- A 2009 study funded by the National Institute of Justice examined more than 80,000 criminal records and found that there is a point in time when an individual with a criminal record is at no greater risk of committing another crime than other individuals of the same age.
- According to the National Employment Law Project (NELP), one in three US adults have a criminal record that will surface in a routine background check. In Maryland, it is estimated that 1.5 million residents, nearly 25% of the state's population, have a criminal record.
- Criminal records can serve as both the cause and consequence of poverty. Workers and job seekers that have a criminal background apply for jobs for which they are well qualified, but are not considered because of a non-conviction record or for dated, and often times minor, convictions that occurred decades ago.

CURRENT EXPUNGEMENT POLICY

- Charges that did **not** result in a guilty conviction are eligible for expungement:
 - Three (3) years after your case is decided. You may file for expungement earlier if you also sign a general release and waiver of all legal claims.
 - Additionally, under current Maryland law, charges that arise from the same incident, transaction, or set of facts are considered a 'unit of charges'. Therefore, if a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to expungement of **any other charge within the unit.**
- Charges that **did** result in a guilty conviction are eligible for expungement:
 - Nuisance crime(s) are eligible three (3) years after a guilty conviction or the satisfactory completion of the sentence, including probation.
 - Under the Maryland Second Chance Act, certain crimes can be shielded from public view, but **only one** petition can be filed in a lifetime.
 - Under the Justice Reinvestment Act, certain crimes are eligible ten (10) years after a guilty conviction or the satisfactory completion of the sentence, including probation.
 - In Oct 2018, three felonies are now eligible for expungement – possession w/ intent to distribute, robbery, and theft

THE SOLUTION: STREAMLINE THE EXPUNGEMENT PROCESS, INCREASE ACCESS TO EMPLOYMENT

- Allow for the automatic expungement of non-convictions and adult offenses that have been moved to juvenile court
- Make misdemeanors eligible for expungement after five (5) years, felonies eligible for expungement after seven (7) years, and nuisance crimes after the completion of probation or parole.
- Limit public access to criminal records on Maryland case search, and change the disposition of unexecuted arrest warrants to make them eligible for expungement
- Grant access to **Record Expungement Designed to Enhance the Employability of the 1.5 million Marylanders (REDEEM)** who have been shut out of our state's workforce.

For more information, contact:

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