



Advocating better skills, jobs, and incomes

OVERRIDE THE VETO

SUPPORT HOUSE BILL 1336: Repeal the ‘Unit Rule’ ***Eliminate barriers to expungement of non-conviction records***

THE CHALLENGE

- The number of Americans with a criminal history is on the rise. More than one-third of the adult working-age population has a criminal record.
- According to the National Employment Law Project, 1 in 3 Americans (70 million) have an arrest record that will appear in a routine criminal background check in hiring. This means, nearly 1.5 MILLION Marylanders struggle to secure employment with a criminal record. **This challenge falls disproportionately on Black and Brown communities, the poor, and the homeless.**
- Criminal records can serve as both the cause and consequence of poverty. Workers and job seekers with a criminal background apply for jobs for which they are well qualified, but are not considered due to a non-conviction record.
- Non-conviction records create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources. Technological advances have made access to criminal background information easier, and Marylanders are finding themselves shut out of the job market due to online criminal background databases, such as Maryland Judiciary Case Search.
- It is well established that Black men and women are more likely to be arrested and convicted than whites; and will be more likely than their white counterparts to have a criminal record.
- The impact of a criminal record is exacerbated among Black workers, who already experience racial discrimination in the labor market. Studies have found that Black job seekers *without* a criminal record are less likely to receive a job call back for an interview than white job seekers *with* a criminal record.

CURRENT POLICY

- The notorious ‘unit rule’ significantly limits expungement for eligible charges that did not result in a conviction. This means that individuals are permanently saddled with lengthy records – many times for charges that they did not commit.
- Under current Maryland law, charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’.
- If a person is not entitled to expungement of one charge or conviction within a unit, the person is not entitled to expungement of any other charge within the unit.
- **Simply put, in order to expunge any eligible charges within a unit, all charges within the unit must be eligible.**

THE SOLUTION: REPEAL THE UNIT RULE TO ALLOW PARTIAL EXPUNGEMENT

- The vetoed legislation would provide for the repeal of the unit rule by establishing a “partial expungement workgroup” that is tasked with developing the process to allow for full repeal of the unit rule. As passed, the workgroup was required to submit its findings on January 5, 2021.
- Partial expungement would restrict public access to non-convictions while maintaining public access to convictions within the unit of charges.
- Override the veto to eliminate the unit rule to reduce the likelihood that non-convictions are used against prospective employees in hiring decisions.

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