



**Testimony for the Senate Judicial Proceedings Committee  
March 4, 2014**

**SB 1056: Maryland Second Chance Act of 2014**

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LIBERTIES UNION  
OF MARYLAND

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The ACLU of Maryland urges a favorable report on SB 1056, which creates a path for shielding certain nonviolent misdemeanor convictions, but only after 3 or 5 years have lapsed since completion of the sentence, depending on the offense. Also, subsequent criminal activity may preclude shielding for some persons. SB 1056 should receive a favorable report because a criminal record severely undermines an individual's employability in the job market, which bars reentry into society and thereby predisposes that individual to further criminality. The collateral consequences reach far beyond employment—a criminal record may compromise one's eligibility for tuition assistance and stable housing. Moreover, these collateral consequences are particularly stark for communities of color.

**Criminal records exclude individuals from employment, educational opportunities, public benefits, and stable housing**

The existence of a misdemeanor criminal record can and does create a barrier to employment for many Marylanders. Under current regulations, a misdemeanor conviction in Maryland may result in the denial, suspension, or revocation of myriad business licenses, including: a barber license,<sup>1</sup> a cosmetology license,<sup>2</sup> an electrician license,<sup>3</sup> professional engineer license,<sup>4</sup> a landscape architect license,<sup>5</sup> an interior designer certificate,<sup>6</sup> and countless others.

Misdemeanor convictions also serve to exclude persons from educational opportunities. A recent study found that a majority (66%) of colleges collect criminal justice information as part of the admissions process.<sup>7</sup>

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<sup>1</sup> Md. Business Occupations and Professions, Code Ann. § 4-314

<sup>2</sup> Md. Business Occupations and Professions, Code Ann. § 5-314

<sup>3</sup> Md. Business Occupations and Professions, Code Ann. § 6-316.

<sup>4</sup> Md. Business Occupations and Professions, Code Ann. § 14-317.

<sup>5</sup> Md. Business Occupations and Professions, Code Ann. § 9-310.

<sup>6</sup> Md. Business Occupations and Professions, Code Ann. § 8-310.

<sup>7</sup> Center for Community Alternatives—Innovative Solutions for Justice, *The Use of Criminal Records in College Admissions, Reconsidered* (available at <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>).

A misdemeanor conviction also hinders an individual's access to stable housing and a range of public benefits. A misdemeanor conviction record may bar individuals from residing at certain homes,<sup>8</sup> and exclude individuals from low-income utility payment plans<sup>9</sup> as well as food stamps.<sup>10</sup>

SB 1056 will allow for individuals with a misdemeanor conviction to access a broader range of services and opportunities, including but not limited to, employment, schooling, public benefits, and housing, and thereby contribute productively to the state's economy. By increasing access to this broad range of services, SB 1056 can be expected to generate greater socioeconomic stability and productivity in Maryland's communities.

**Misdemeanor convictions disparately disadvantage individuals, families, and communities of color**

A startling one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen White men.<sup>11</sup> In addition to facing higher imprisonment rates, racial minorities, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their White counterparts.<sup>12</sup>

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from misdemeanor convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuates the cycle of imprisonment plaguing communities of color—without gainful employment and stable housing, individuals are forced to return to livelihoods of criminality.

The Federal Government has called on states to assess the collateral consequences of their criminal laws, so that “people who have paid their debt to society are able to live and work productively.”<sup>13</sup> SB 1056 responds directly to this calling.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 1056.

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<sup>8</sup> See for example, COMAR 35.04.01.04.

<sup>9</sup> COMAR 20.31.01.08.

<sup>10</sup> Md. Human Services Code Ann. § 5-601.

<sup>11</sup> Saki Knafo, 1 In 3 Black Males Will Go To Prison In Their Lifetime, Report Warns (HUFFINGTON POST, Oct. 4, 2013).

<sup>12</sup> *Id.*

<sup>13</sup> Amy L. Solomon, *In Search of a Job: Criminal Records as Barriers to Employment* (NATIONAL INSTITUTE OF JUSTICE, June 15, 2012).