

# MARYLAND ALLIANCE FOR JUSTICE REFORM

Working together for a criminal justice system that serves our communities



## Ex-Offenders Earned Opportunities Act

### What's the Problem?

A citizen who once committed a crime but has served his sentence and returned to the community still faces a problem: Who will hire him?

[Reports suggest](#) that the unemployment rate of those released from prison is many times higher than the national average.

Without honest work to support themselves, even the best-intentioned returning citizen may be compelled to return to crime.

### What's the Proposal?

A nationwide legal think-tank—the [Uniform Law Commission](#)—recommends that each state take inventory of the negative consequences it imposes on those with criminal records. Both a defendant considering a guilty plea and the state authorities themselves then could make better decisions, changing outcomes.

A second alternative would increase the number & types of offense for which an offender could seek expungement of a prior minor criminal record after several years of good-behavior and no new offenses. (Violent felonies, sex offenses, and other serious offenses would not be eligible.)

A third alternative would offer a “certificate of rehabilitation” for an offender who has avoided new offenses, who performed everything asked on parole and probation, and who seeks a job for which he is qualified. An ex-offender with such a certificate would lawfully be required to “check the box” for a prior record, but would be required to advise the employer upon interview and before hire of his certificate. (Certificates would not be granted for offenders with pending charges, poor probation performance, or more serious offenses.) Employers hiring ex-offenders with a certificate would be eligible for tax incentives and other legal benefits.

### Will this Work?

[The Uniform Law Commission](#) plan has already been adopted and put to work in Vermont. Expungement has been used successfully in [Maryland courts for many years](#).

But the scope of expungable offenses is very narrow and could help many more law-abiding former offenders.

“Certificates of rehabilitation” have been used successfully in other states, such as [New York](#), [California](#) and smaller jurisdictions.

Similarly, “ban-the-box” legislation has begun to be adopted in four other states and in various cities including [Baltimore](#) and Washington, D.C.

But, a law-abiding ex-offender’s chance to apply for a job for which he is qualified should not be limited by the location of his home. MAJR’s proposal would make this benefit available statewide.

## **The Legislation**

Criminal convictions often bring not only jail or fines, but also legal disqualifications that are not part of any sentence imposed. These ‘[collateral consequences](#)’ include bars to professional licenses, public housing and many more impacts.

Such [collateral consequences](#) can interfere with defendants’ legal employment and community involvement, plus pose issues of fairness, public safety and fiscal responsibility.

[The Uniform Collateral Consequences of Conviction Act](#) (UCCCA) provides states with a simple process to notify defendants, before trial or plea, of indirect penalties their charges may bring, and to offer them the opportunity to ask partial relief from those penalties, if appropriate.

[Read the full text of the Act.](#)

## **Learn More!**

Here is a systematic study of the problem: “[Employment Barriers Facing Ex-Offenders.](#)”

[This commentary](#) regarding the R.E.D.E.E.M. Act argues that, in principle, legislation like this is innovative, noble and seems sorely needed.

Margaret Colgate Love from the Saint Louis University School of Law presents an [extensive analysis of collateral consequences](#).

## **Contact your Legislators**

Voice your opinion about this initiative to your legislators. Here is a list of the [members of the Maryland General Assembly](#) with links to their web pages. To find who represents you in the Assembly, [click here](#).

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