

# MARYLAND ALLIANCE FOR JUSTICE REFORM

Working together for a criminal justice system that serves our communities



## Maryland Second Chance Act of 2015

### **What's the Problem?**

Nearly one in three American adults have been arrested by age 23, as reported by the [National Institute of Justice](#).

One [prominent researcher](#) found that a criminal record reduces the likelihood of a job callback or offer by nearly 50 percent. The effect is even more pronounced for African American men.

Maryland lags behind many other states in enacting this type of reform policy. [Many other U.S. states](#) have policies that limit public access to certain criminal records in order to mitigate collateral consequences.

### **What's the Proposal?**

The Maryland Second Chance Act of 2015 would allow individuals to petition the court to shield convictions for certain common misdemeanors after a 3 year (or, for theft, 5 year) waiting period, balancing the public's need to know with ex-offenders' employment needs. Another JOTF bill expunges dismissed charges.

Shielded records would remain fully accessible to law enforcement and the court system.

Employers and entities with a statutory and/or contractual requirement to inquire into a candidate's criminal background will have full access to shielded records, including those required to access criminal background information under Maryland's Family Law Article.

If a subsequent conviction occurs during the waiting period, the initial offense cannot be shielded until the subsequent offense becomes eligible for shielding.

### **Will this Work?**

A person's criminal record should not equate to a lifetime of social and economic disadvantage for many reasons, including public safety, strengthening families and improving the economy. A second chance for honest work benefits all Marylanders.

Jobs are crucial to the successful reentry of those returning to society from incarceration: Returning citizens with employment, according to statistics, are less than half as likely to commit new offenses

as those without employment. This means that barriers to the job market compromise public safety.

Even though a father may have a criminal record, his children still look to him as a role model and for financial support. Maryland can ease social and economic burdens on families and communities by permitting people who paid their debt to society to live and work as productive members of their communities.

No healthy economy can sustain a large and growing population of unemployable workers, especially in communities already hard hit by joblessness. Removing employment barriers will reduce the welfare rolls, reduce taxes and benefit local businesses.

[Studies show](#) that providing stable employment lowers crime recidivism rates and improves public safety.

[The New York Times](#) reports that Second Chance Act policies have begun to prove their worth:

A 2009 study funded by the National Institute of Justice reports that may be possible to estimate a point when a prospective employee with a criminal record is no more likely reoffend than a prospective employee with no criminal record.

Even the [U.S. Transportation Security Administration](#) recognizes the reduced importance of a criminal record after the lapse of enough time — TSA permits a transportation worker to qualify for a security pass after 7 years without repeat of certain criminal convictions.

## **The Legislation**

The Maryland Second Chance Act of 2015 would allow individuals to petition the court to shield certain nonviolent misdemeanor convictions three years after satisfying any mandatory supervisory obligations.

House bill 244 was introduced [Delegate Curt Anderson](#).

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

## **Learn More!**

Read the [2014 endorsement](#) of the Maryland Second Chance Act by the Attorney General Doug Gansler, citing research and statistics in support of the proposal.

Read about the [nationwide “Second Chance Act” movement](#).

View the [YouTube testimony](#) of Baltimore City Council President Jack Young in support of the proposal, citing economic needs in the City.

Read more [research on employment](#) of those with criminal records.

## **Contact your State Delegate**

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](#).

Send a letter to your senator urging support for House Bill 244. Below is a sample letter and it would be preferable if you would use your own language. Be sure to fill in the information in [brackets].

[Your Street Address]

[Your City, Zip Code]

[Date of this letter]

Delegate [First] [Last Name]

Maryland House of Delegates

House Office Building

6 Bladen Street

Annapolis, Maryland 21401

## **Re: House Bill 244, Maryland Second Chance Act of 2015**

Dear Delegate [Last Name]:

Congratulations on your recent [re]election to represent Marylanders in the House of Delegates! I appreciate your continued public service. I am writing to you today as a member of the **Maryland Alliance for Justice Reform (MAJR)**, a statewide organization created in 2013 to explore alternative solutions to unnecessary incarceration and build safe and strong communities, to urge your support for **House Bill 244, 'Maryland Second Chance Act of 2015'**. HB 244 is a critical piece of MAJR's 2015 legislative agenda that seeks to reform incarceration policies and practices in Maryland.

HB 244 Authorizing a person to petition the court to shield court records and police records relating to shieldable convictions no earlier than three years after the person satisfies the sentence imposed for all convictions. The Maryland Second Chance Act of 2015 would allow individuals to petition the court to shield certain nonviolent misdemeanor convictions three years after satisfying any mandatory supervisory obligations.

Shielded records would remain fully accessible to law enforcement and the court system. Employers and entities with a statutory and/or contractual requirement to inquire into a candidate's criminal background will have full access to shielded records, including those required to access criminal background information under Maryland's Family Law Article.

There are a number of reasons to support HB 244 as a means of restoring returning citizens to useful participation in Maryland's economy:

- A person's criminal record should not equate to a lifetime of social and economic disadvantage for many reasons, including public safety, strengthening families and improving the economy. A second chance for honest work benefits all Marylanders.
- Jobs are crucial to the successful reentry of those returning to society from incarceration: Returning citizens with employment, according to statistics, are less than half as likely to commit new offenses as those without employment. This means that barriers to the job market

compromise public safety.

- No healthy economy can sustain a large and growing population of unemployable workers, especially in communities already hard hit by joblessness. Removing employment barriers will reduce the welfare rolls, reduce taxes and benefit local businesses.

For more information on the Maryland Second Chance Act of 2015 please visit the website: <http://www.ma4jr.org/maryland-second-chance/> We are asking for your help in reducing mass incarceration and its effects on our communities. For a simple executive summary that briefly describes MAJR's goals for the 2015 legislative session please see <http://www.ma4jr.org/executive-summary/>

Please let me know if you have any questions regarding HB 244 or other issues pertaining to reducing Maryland's prison population. I appreciate your time and consideration.

Sincerely,

[Your Name Here]



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