

PLEASE SUPPORT HB 503 – with amendment

MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger & House Judiciary Com.

Feb. 19, 2019

FROM: Phil Caroom –MAJR Exec.Com.

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Maryland’s Justice Reinvestment Act (JRA) provided, effective October 1, 2017, that returning citizens can earn a Certificate of Rehabilitation (COR). A COR ensures that licensing boards do not deny an occupational license to the returning citizen only on the basis of prior convictions. This state policy encourages employment and removing barriers to employment, but it did not address the potential liability of private employers who offer jobs to returning citizens.

HB 503 / SB 219 can help fill this important gap.

Maryland Alliance for Justice Reform (MAJR -www.ma4jr.org) urges that HB 503 / SB 219 be amended to make the connection with JRA policy explicit (see proposed amendment, highlighted, below.)

Such a provision is already in place in several states. Twelve (12) other U.S. states including Tennessee, Georgia, and Ohio offer a certificate that protects employers from liability in hiring returning citizens. See: <https://www.ma4jr.org/wp-content/uploads/2014/10/certificates-chart.pdf>

A new empirical study of Ohio “Certificates of Qualification for Employment (CQE)” shows that employers are willing to look beyond the criminal histories of job applicants: individuals with a felony drug conviction were more than three times as likely to receive a job interview or offer if they had received a CQE.

See: <http://ccresourcecenter.org/2016/05/25/new-study-suggests-certificates-of-relief-are-working-to-create-jobs/>

We also note that inclusion of probations before judgment in HB 503 / SB 219 is appropriate: Judges commonly grant this non-convicted status when an individual is seen as low risk and when it is important to help permit him or her to retain gainful employment.

SUGGESTED AMENDMENT:

(II) “EMPLOYER” DOES NOT INCLUDE THE STATE, A COUNTY, OR A MUNICIPALITY IN THE STATE.

(B) AN EMPLOYER SHALL BE PRESUMED NOT TO BE LIABLE FOR NEGLIGENTLY HIRING OR FAILING TO ADEQUATELY SUPERVISE AN EMPLOYEE IF:

(1) THE EMPLOYEE HAS RECEIVED PROBATION BEFORE JUDGMENT FOR AN OFFENSE;

(2) THE EMPLOYEE HAS RECEIVED A CERTIFICATE OF REHABILITATION, PURSUANT TO CORRECTIONAL SERVICES ARTICLE, SEC. 7-104; OR

(3) THE EMPLOYEE:

A) HAS COMPLETED ANY SENTENCE, WHETHER OF IMPRISONMENT OR PROBATION FOR THE OFFENSE...

We thank you for considering approval of HB 503 with this proposed amendment.

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PLEASE NOTE: This testimony is submitted for Md. Alliance for Justice Reform and not for the Md. Judiciary.