

SUPPORT SB 157 with amendment

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



TO: Chair Will Smith and Senate Judicial Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: January 28, 2020

Maryland Alliance for Justice Reform strongly supports SB 157 as regular employment has been demonstrated to be an extremely important factor to reduce the risk of recidivism for returning citizens. This has been demonstrated by study after study:

-“The probability of re-conviction for someone who is employed within two months of release and earning \$10 or more per hour is only 8 percent, one-third of the probability of an unemployed ex-offender.” [Greater Baltimore Committee - “Opening Doors to Second Chances” \(2016\) report, citing 3-state longitudinal study by Urban Inst.](#)

-“[S]everal job sectors, such as construction or manufacturing, that traditionally [provide] adequate job opportunities for ex-offenders... [T]his 5-year follow-up study clearly indicated that post-release employment was as an effective buffer for reducing recidivism among ex-offenders... [Y]ounger offenders would likely become recidivists if they were unemployed and uneducated (or under-educated), regardless of their classification [as drug offenders, violent offenders, sex offenders or other.]... [Post-Release Recidivism and Employment among Different Types of Released Offenders: A 5-Year follow-up Study in the United States \(2014\).](#)

- “Statewide rates of recidivism [generally] range from about 31 to 70 percent, while the rates for those placed in jobs shortly after their release ranged from 3.3 to eight percent.” [Immediate Access to Employment Reduces Recidivism \(2015\).](#)

MAJR also suggests one amendment that could improve SB 157 still more: 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. SB 157 can help fill this important gap.

Maryland Alliance for Justice Reform (MAJR -www.ma4jr.org), thus, urges that SB 157 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. At least 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 SB 157 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:

(B) AN EMPLOYER MAY NOT BE HELD LIABLE FOR NEGLIGENTLY HIRING OR FAILING TO ADEQUATELY SUPERVISE AN EMPLOYEE BASED ON EVIDENCE THAT THE EMPLOYEE HAS RECEIVED (1) A CERTIFICATE OF REHABILITATION, PURSUANT TO CORRECTIONAL SERVICES ARTICLE, SEC. 7-104, OR (2) A PROBATION BEFORE JUDGMENT FOR AN OFFENSE OR HAS BEEN CONVICTED OF AN OFFENSE IF: (A) THE EMPLOYEE...

We thank you for considering approval of SB 157 with this proposed amendment.

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