

**CITY OF BALTIMORE
COUNCIL BILL 16-0292R
(Resolution)**

Introduced by: Councilmembers Henry, Clarke, Welch, Holton, Curran, President Young,
Councilmembers Middleton, Costello, Scott, Reisinger, Spector, Mosby, Kraft, Branch,
Stokes

Introduced and read first time: February 29, 2016

Assigned to: Housing and Community Development Committee

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Request for State Action – Support S.B. 329**

3 FOR the purpose of calling on the General Assembly to enact, and the Governor to sign, S.B. 329,
4 or similar legislation allowing non-violent ex-offenders who have paid their debt to society
5 and proven they are not a threat to their communities to have their criminal records
6 expunged.

7 **Recitals**

8 In its last session, the General Assembly took an important first step toward lessening the
9 long-term burden that over-policing has placed on some of our communities by passing the
10 Maryland Second Chance Act of 2015, allowing individuals to petition the court to shield certain
11 nonviolent misdemeanor convictions three years after satisfying any mandatory supervisory
12 obligations. This change will allow certain non-violent ex-offenders who have paid their debt to
13 society to avoid the life sentence of reduced employment and housing prospects that they were
14 previously facing.

15 However, limiting this relief to those with certain non-violent misdemeanor convictions
16 ignores the plight of those with similar non-violent felony convictions. The decisions that lead to
17 a choice to charge an offender with a felony or a misdemeanor are complex and often result in
18 significantly different consequences for people who have committed nearly identical offenses.
19 There's no reason to think that individuals who have been charged with felonies are more likely
20 to re-offend than those guilty of the same conduct who were charged with misdemeanors. And
21 no reason why non-violent offenders who have completed felony sentences and subsequently
22 rehabilitated themselves should be made to suffer more than similar offenders who completed
23 lesser sentences. S.B. 329 would correct the imbalance in the current law by allowing those with
24 non-violent felony convictions the same rights as those with non-violent misdemeanor
25 convictions.

26 The effects of a criminal conviction on a person's record are drastic and lifelong. According
27 to a report by the Job Opportunities Task Force:

- 28
- One in three adults have a criminal record.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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- 1 • One prominent researcher found that a criminal record reduces the likelihood of a job
2 callback or offer by nearly 50 percent. The effect is even more pronounced for African
3 American men.
- 4 • A 2009 study funded by the National Institute of Justice found that former offender’s risk
5 of recidivating decreased significantly as time expired with no new offense. In fact, after
6 several years of a “clean record”, former offenders are no more likely to commit a crime
7 than a person of the same age with no criminal background.
- 8 • Studies show that providing stable employment lowers crime recidivism rates and
9 improves public safety.
- 10 • Over 30 states have laws that limit public access to criminal records in order to mitigate
11 collateral consequences.

12 Individuals who have paid their debt to society by serving their sentences, whether from
13 misdemeanor or felony convictions, and those who do not pose a threat to their communities,
14 should not be forced to serve a further sentence of diminished prospects that will hold back not
15 only themselves but the communities in which they live. S.B. 329 continues the efforts of last
16 year’s Maryland Second Chance Act to truly allow rehabilitated ex-offenders to move past the
17 mistakes of their past. It should be adopted by the General Assembly in the current term.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
19 Council calls on the General Assembly to enact, and the Governor to sign, S.B. 329, or similar
20 legislation allowing non-violent ex-offenders who have paid their debt to society and proven they
21 are not a threat to their communities to have their criminal records expunged.

22 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
23 Honorable Chairs and Members of the Baltimore City House and Senate Delegations to the
24 Maryland General Assembly, the President of the Maryland Senate, the Maryland House
25 Speaker, the Mayor, and the Mayor’s Legislative Liaison to the City Council.