

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

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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

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Committee Report: Favorable with amendments

Adopted: March 7, 2016

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**A COUNCIL RESOLUTION CONCERNING**

**Request for State Action – Support ~~S.B. 329~~ S.B. 712 and H.B. 770**

FOR the purpose of calling on the General Assembly to enact, and the Governor to sign, ~~S.B. 329~~  
S.B. 712 and H.B. 770, or similar legislation allowing non-violent ex-offenders who have  
paid their debt to society and proven they are not a threat to their communities to have their  
criminal records expunged.

**Recitals**

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

However, limiting this relief to those with certain non-violent misdemeanor convictions  
ignores the plight of those with similar non-violent felony convictions. The decisions that lead to  
a choice to charge an offender with a felony or a misdemeanor are complex and often result in  
significantly different consequences for people who have committed nearly identical offenses.  
There's no reason to think that individuals who have been charged with felonies are more likely  
to re-offend than those guilty of the same conduct who were charged with misdemeanors. And  
no reason why non-violent offenders who have completed felony sentences and subsequently  
rehabilitated themselves should be made to suffer more than similar offenders who completed  
lesser sentences. ~~S.B. 329~~ S.B. 712 and H.B. 770 would correct the imbalance in the current law  
by allowing those with non-violent felony convictions the same rights as those with non-violent  
misdemeanor convictions.

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

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

## Council Bill 16-0292R

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

13 Individuals who have paid their debt to society by serving their sentences, whether from  
14 misdemeanor or felony convictions, and those who do not pose a threat to their communities,  
15 should not be forced to serve a further sentence of diminished prospects that will hold back not  
16 only themselves but the communities in which they live. ~~S.B. 329 continues~~ S.B. 712 and H.B.  
17 770 continue the efforts of last year’s Maryland Second Chance Act to truly allow rehabilitated  
18 ex-offenders to move past the mistakes of their past. It should be adopted by the General  
19 Assembly in the current term.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the  
21 Council calls on the General Assembly to enact, and the Governor to sign, ~~S.B. 329~~ S.B. 712 and  
22 H.B. 770, or similar legislation allowing non-violent ex-offenders who have paid their debt to  
23 society and proven they are not a threat to their communities to have their criminal records  
24 expunged.

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