



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL R
(Resolution)

Introduced by: Councilmember Henry

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning
Request for State Action - Support S.B. 329

FOR the purpose of calling on the General Assembly to enact, and the Governor to sign, S.B. 329, 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 is 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 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:

- ◆ One in three adults have a criminal record.

- ◆ 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.

- ◆ A 2009 study funded by the National Institute of Justice found that former offender's risk of recidivating decreased significantly as time expired with no new offense. In fact, after several years of a clean record, former offenders are no more likely to commit a crime than a person of the same age with no criminal background.

- ◆ Studies show that providing stable employment lowers crime recidivism rates and improves public safety.

- ◆ Over 30 states have laws that limit public access to criminal records in order to mitigate collateral consequences.

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council calls on the General Assembly to enact, and the Governor to sign, S.B. 329, 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.

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

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