



Legislation Text

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL R
(Resolution)

Introduced by: Councilmember Mosby

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning
Request for State Action - Criminal Record Shielding

FOR the purpose of calling on the General Assembly to enact, and the Governor to sign, a law allowing reformed ex-offenders who have not reoffended for at least 5 years to shield their past convictions for minor offenses from public view.

Recitals

In choosing who to employ businesses understandably seek out as much relevant information as possible about applicants to help them find the best fit for their needs. Many are wary of hiring former offenders out of fear that they may be more likely to commit future crimes.

In the context of too high recidivism rates for offenders in the years immediately following release, this reticence can seem to make sense. However, for individuals who have long put past missteps behind them, the bias against ex-offenders can become an unjustified barrier to gainful employment; and for reintegrating former prisoners the sense that no matter what they do they will never again be given a fair chance can make reentry into society much harder.

In reality, according to a recent study by a State panel on prisoner reentry, research shows that while recidivism is highest 3 to 5 years after incarceration, it drops off after that and reaches a point where ex-offenders are statistically no more likely to commit a crime than any other person of the same age. Taking this into account, it becomes obvious that much of the bias against ex-offenders is a simple prejudice holding back people trying to uplift themselves, their families, and their communities.

Disqualifying ex-offenders from employment imposes a lasting punishment on them considerably above what society, acting through its laws and courts, has deemed appropriate for their transgressions. And, after a certain point, it is an extra burden that fails to provide any justifying additional protection to employers.

In fact, beyond the immediate costs to truly rehabilitated ex-offenders and their communities, the hopelessness caused by the knowledge that one past mistake can close so many future doors can drive some ex-offenders to feel that the only way they can survive is through criminal activities when no other avenues seem open to them. This continues a vicious circle that harms all of society by helping to turn one-time offenders into career criminals.

A law allowing rehabilitated ex-offenders who have not re-offended to shield minor convictions well in the past from public view would do much to break this cycle. Preventing employers from seeing stale information with no predictive value for future behavior would not harm businesses. But it would allow reformed ex-offenders who have paid their debt to society, and who have avoided the temptation to fall into old ways for years, to escape the stigma against ex-offenders that would otherwise cripple their prospects and hold them and their communities back. Further, being able to see the light at the end of the tunnel promised by a shield law would incentivize recently released offenders to avoid future criminal activities, possibly helping to drive down recidivism and crime rates.

A single mistake does not reflect the fullness of a man's character, and it shouldn't serve to blight an entire lifetime. Adopting a criminal record shield law that would apply to those who have demonstrated their growth through years of good behavior would help to put an end to the self-fulfilling prophecy holding far too many back that offenders can never better themselves.

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, a law allowing reformed ex-offenders who have not reoffended for at least 5 years to shield their past convictions for minor offenses from public view.

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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