



# **Final Report of the Collateral Consequences Workgroup**

**The Honorable Alexander Williams, Jr., Chair**

**December 1, 2016**

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December 1, 2016

The Honorable Larry Hogan, Governor of the State of Maryland  
The Honorable Thomas V. Mike Miller, Jr., President of the Maryland Senate  
The Honorable Michael Erin Busch, Speaker of the Maryland House of Delegates

**RE: FINAL REPORT OF WORKGROUP ON COLLATERAL  
CONSEQUENCES OF CONVICTIONS**

Gentlemen:

It is my joy and privilege to submit this Final Report of the Workgroup addressing the important issue of assessing ways to minimize the collateral consequences of convictions, which serve as barriers to successful reentry without jeopardizing public safety. In accordance with the July 1, 2016 Intergovernmental Agreement between the Governor's Office of Crime Control & Prevention (GOCCP) and the University of Maryland, the Judge Alexander Williams, Jr. Center for Education, Justice and Ethics was charged with researching and identifying a set of recommendations for review by GOCCP and the Workgroup consistent with the charge of the Workgroup. This Final Report prepared by the Judge AW Center and drawn from research, public testimony of stakeholders, thorough discussion and comments contributed by the Workgroup, and input by GOCCP sets forth thirteen recommendations designed to ease some of the employment, licensing and entrepreneurship barriers imposed on persons with criminal records and which impede their successful reintegration.

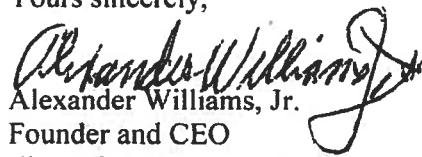
While it is clear that the scope and impact of collateral consequences are broad, vast and warrant greater assessment, the goal of this project is to develop recommendations that: promote transparency and ensure that there is uniform and consistent application of occupational licensing laws across all Maryland State agencies; provide sustainable incentives for private employers to hire persons with criminal records; and to eliminate unnecessary institutional barriers to gainful employment of returning citizens.

The Judge AW Center wishes to express appreciation to those who contributed to this study and Final Report. First, we are grateful to GOCCP for this opportunity afforded the Judge AW Center to deliver on the program narrative. In addition to the guidance and leadership of V. Glenn Fueston Jr., Executive Director of GOCCP, this project also received outstanding support from Don Hogan, Director of Legislation, and Madison K. Getty, Policy Analyst both with GOCCP. Second, we acknowledge the invaluable insight, collective wisdom and deliberations provided by the Workgroup.

The Honorable Larry Hogan, Governor of the State of Maryland  
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Finally, let me also personally thank the Judge AW Center project team consisting of Ken Glover (project manager), Shakisha Morgan (legal consultant), Kue Lattimore-Williams (legal consultant) and Valerie Jones (Administrative Assistant). The entire supporting team listed above spent tireless hours contributing to the timeliness, accuracy and thoroughness of this Final Report.

Yours sincerely,

A handwritten signature in black ink, reading "Alexander Williams, Jr." with a stylized flourish at the end.

Alexander Williams, Jr.  
Founder and CEO  
The Judge AW Center



## **COLLATERAL CONSEQUENCES WORKGROUP**

The members of the Collateral Consequences Workgroup included representatives from State agencies, Licensing Board Commissioners, business owners and executives, and criminal justice advocates. The Workforce received testimony from numerous stakeholders, including: returning citizens, advocates, workforce reentry program coordinators, prosecutors, and lobbyists.

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## **EXECUTIVE SUMMARY**

The Collateral Consequences Workgroup blended two charges. One charge came directly from Governor Larry Hogan, where he asked the workgroup to develop a set of recommendations to minimize collateral consequences that impede reentry without jeopardizing public safety. These consequences include: difficulty getting a job or starting a business, challenges accessing public services or programs such as student loans and housing, or volunteering in the community. These challenges not only affect re-entry persons, but also can affect those with criminal convictions who serve no prison time. The Justice Reinvestment Act (Chapter 515 of 2016) outlined the other task: to make recommendations regarding potential barriers to employment, licensing, and entrepreneurship for individuals with a criminal record. These barriers include the denial, suspension, or revocation of occupational licenses for criminal convictions as well as the criminalization of occupational license violations, including the practicing of an occupation without a license.

The efforts of this Workgroup build on important strides taken here in Maryland to aid ex-offenders in successful reentry. The Second Chance Act (Chapter 313) passed during the 2015 Maryland Session. This Act was signed by Governor Hogan to authorize a person to petition the court to shield court records and police records relating to shieldable convictions no earlier three years after the person satisfies the sentence or sentences imposed for all convictions for which shielding is requested. Shielding is effective in limiting the number of individuals that can access a record, thereby providing returning citizens with a second chance and hopes of gainful employment.

The Justice Reinvestment Act (Chapter 515) signed by Governor Hogan represents the most comprehensive criminal justice reform to pass in a generation. As part of Maryland's efforts to reform the criminal justice system, the Justice Reinvestment Act addresses issues that have resulted in an incarceration rate that deeply affects the health and welfare of many Maryland communities. Among a wide variety of provisions, the Justice Reinvestment Act expands the offenses for which an individual can apply for expungement of a police record, court record, or other record maintained by the State or a political subdivision of the State. The Act provides that an individual who has been convicted of a wide range of misdemeanor offenses can petition for expungement ten years after successfully completing the terms of his or her supervision if that individual does not commit a new crime. Please see Appendix B for language of relevant portions of the Justice Reinvestment Act. In addition, the Act implements, through the Department of Public Safety and Correctional Services, an opportunity for individuals to receive a certificate of rehabilitation after completing the conditions of supervision.

Both of these provisions hope to improve the lives of returning citizens in Maryland, and the Workgroup created recommendations to complement the Justice

Reinvestment Act in furthering the goal of lowering the impact of collateral consequences on returning citizens.

## ***Methodology***

This report is the result of the work of the Collateral Consequences Workgroup, established by the Governor's Office of Crime Control and Prevention and chaired by the Honorable Alexander Williams, Jr. The Workgroup convened for six sessions over the course of three (3) months, beginning September 1, 2016. Four (4) of these meetings were full workgroup meetings, and two (2) meetings were stakeholder meetings – both of which were open to the public.

Stakeholder meetings provided an opportunity for invested members, businesses, workforce training program directors, prosecutors, and advocates in the community to discuss the challenges faced by re-entry citizens and those with criminal backgrounds. Notably, the Workgroup heard testimony from re-entry persons who provided personal stories that substantiated the challenges the Workgroup was tasked to address. Full workgroup meetings allowed for the Workgroup to review literature, discuss testimony from stakeholders, and determine the direction of the report's recommendations. On September 26, 2016, the Workgroup reviewed a report prepared by the Maryland Data Analysis Center that outlined the literature on collateral consequences and the information value of prior criminal history, and provided recommendations for consideration by the Workgroup.

The Judge Alexander Williams, Jr., Center for Education, Justice, & Ethics was tasked with drafting the final version of the report. The Workgroup began discussing recommendations for inclusion in the Final Report beginning at the September 26<sup>th</sup> meeting until the final workgroup meeting on November 15, 2016.

# MINIMIZING COLLATERAL CONSEQUENCES

## *Collateral Consequences Nationally*

Collateral consequences are the penalties, disabilities, or disadvantages imposed upon a person as a result of a criminal conviction, either automatically by operation of law or by authorized action of an administrative agency or court on a case-by-case basis.<sup>1</sup> The American Bar Association's National Inventory of the Collateral Consequences of Conviction (NICCC) has catalogued more than 38,000 collateral consequences of criminal convictions, which include denial from public housing and public assistance, deportation, disenfranchisement, licensing or employment restrictions in a variety of occupations. One of the most punitive collateral consequences, and the subject of much research and debate, is the impact of a criminal record on securing employment.

Collateral consequences are distinguished from the direct consequences imposed as part of the court's judgment at sentencing, which include terms of imprisonment or community supervision, or fines. Put another way, collateral consequences are opportunities and benefits that are no longer fully available to a person, or legal restrictions a person may operate under, because of their criminal conviction. The most familiar examples of collateral consequences are being unable to vote, obtain certain licenses, or possess a firearm because of a felony conviction.

Across various methodological designs, research on employment and reentry consistently demonstrates employment is a correlate of lower rates of offending and successful reentry.<sup>2</sup> However, former offenders face tremendous challenges in finding and maintaining adequate employment.<sup>3</sup> Empirical research has consistently found that employers are less likely to hire individuals with criminal backgrounds.<sup>4</sup>

Despite broad consensus that returning citizens need to be working, there is considerable disagreement over how best to accomplish this feat.<sup>5</sup> Employers often resist efforts to limit their ability to consider an individual's criminal history out of fear that such restrictions could jeopardize workplace safety and expose them to negligent hiring claims.<sup>6</sup> In fact, the vast majority of laws and regulations concerning employment of persons with criminal records are exclusionary in nature, banning individuals with criminal records from entire industries, restricting licensing boards from granting occupational licenses to those with criminal records, and mandating that employers perform criminal background checks on applicants for certain types of jobs.<sup>7</sup> One federal law limits an employer's ability to discriminate against persons with criminal records. Under Title VII of the Civil Rights Act of 1964, an employer can be held liable for treating people with similar criminal records differently, or for maintaining a policy that screens individuals based on criminal history—but only if



such differential treatment is otherwise tied to race, color, religion, sex, or national origin.<sup>8</sup>

## ***Collateral Consequences & Private Employment***

### **Impact of Incentive Programs for Private Employers**

The Federal Government has implemented incentive programs to assist disadvantaged job seekers and employers. These programs are designed to not only assuage the fears that some employers may have regarding hiring persons with criminal records, but these programs also provide job experience and training for those who have faced barriers to employment. Two federal incentive programs are: (1) Federal Work Opportunity Tax Credit; and (2) Federal Bonding.

#### ***Federal Work Opportunity Tax Credit***

The Federal Work Opportunity Tax Credit ("WOTC") is tax credit to employers who hire people who have faced significant barriers to employment, including persons with criminal histories.<sup>9</sup> The tax credit is worth up to \$2,400.00 per qualified worker based on the following criteria<sup>10</sup>:

- Up to 25% of the first \$6,000 in wages if the individual works a minimum of 120 hours but less than 400 hours.
- Up to 40% of the first \$6,000 in wages if the individual works 400 hours or more.
- There is no limit on the number of workers an employer can claim.

Studies show that WOTC is cost effective and that subsidies like this in general have a substantial effect on increasing employment.<sup>11</sup> This program should be seen as cost saving for the government.<sup>12</sup>

#### ***Federal Bonding Program***

The Federal Bonding Program ("FBP") provides fidelity bonds to employers who hire persons with criminal histories. The Department of Labor website boasts that this program has made over 50,000 job placements and has a 99% success rate.<sup>13</sup> This means that since its inception in 1966 the bonds have had to be activated only 1% of the time. The website states that, "[t]he FBP has introduced talented, dedicated, and passionate employees to their employers..."<sup>14</sup> Each state has a FBP coordinator. In Maryland, the program is coordinated by the Department of Labor, Licensing, and Regulation.

### **Justice Reinvestment Act Mandate: Certificates of Rehabilitation**

In recognition of barriers created by a criminal record and the attached stigma, several states have created rights restoration certificates aimed at collateral sanction relief. Easier to obtain than pardons and expungements, certificates of

recovery—sometimes called certificates of qualification, relief, achievement, reentry, or employability—generally create an application process for former offenders to remove legal restrictions accompanying their criminal convictions, most commonly employment licensing restrictions.<sup>15</sup>

As a result of the Justice Reinvestment Act (JRA), The Maryland Department of Public Safety and Correctional Services will begin issuing Certificates of Rehabilitation to persons convicted of certain, nonviolent crimes, and who have been under the supervision of the Division of Parole and Probation.<sup>16</sup> Under the provisions of the JRA, the person must have completed all special and general conditions of supervision, including paying all required restitution, fines, fees, and other payment obligations, and must no longer be under the supervision of the Division of Parole and Probation. Notably, an individual may only receive one Certificate of Rehabilitation per lifetime. This mandate takes effect on October 1, 2017.

### ***Systemic Adjustments: Potential Approaches***

During several workgroup meetings, members of the Workgroup considered and discussed the approaches to collateral consequences, in both the public and private employment sector, that are listed below. These approaches have been implemented by a number of states and can be used as a framework and/or guideline for Maryland State agencies and private employers.

#### **Potential approaches in the private sector: Toolkit Resource**

One potential approach is making tools and resources available to employers with guidance on hiring and employing returning citizens. For example, in 2013, the National HIRE Network, the Lawyers Committee for Civil Rights Under Law, and the National Workrights Institute released guidance on best practice standards aimed to help employers properly weigh adverse personal history to find those applicants who will contribute most to the productivity of the organization.<sup>17</sup> Specifically, the guidance presents specific organizational policies and procedures that can: comply with the EEOC Guidance and limit liability under Title VII of the Civil Rights Act and state and local antidiscrimination laws; comply with the Fair Credit Reporting Act (FCRA); and minimize the risk of liability from hiring an unfit employee.

In October 2016, the National Employment Law Project (NELP) developed a resource guide reflecting states, cities, and counties that have taken steps to remove barriers to employment for qualified workers with records. The guide is based on the notion that the most effective policies don't just remove the "box"; they ensure that conviction information is used fairly. NELP argues that employers should make individualized assessments instead of blanket exclusions and consider the age of the offense and its relevance to the job, and candidates should be given an opportunity to review background-check results.

Advocates in California have also created guidance on hiring for those with criminal histories. The *California Employers' Fair Chance Hiring Toolkit* was developed by a number of partners including: Root & Rebound, the Los Angeles Mayor's Office of Reentry, the Los Angeles Metro Employer Advisory Council, the City of Los Angeles Workforce Development Board, and Dave's Killer Bread Foundation. The toolkit is specifically tailored to California employers, human resources departments, corporate counsel, and business professionals facing challenges from the rapidly expanding number of job applicants with criminal records. The aim is to teach employers how to evaluate such applicants, thus empowering employers to increase their supply of talented employees, meet their legal obligations, and improve their communities.<sup>18</sup> The first of its kind in California, the toolkit was released in September 2016, with a letter from the Los Angeles Mayor.

### **Potential approaches in the public sector: Positions of Trust**

Defining positions of trust can assist in hiring policies for both public and private employers and also assist licensing agencies in deciding which occupations and professionals require background checks. Defining positions of trust promotes uniform and consistent application of the law, thus minimizing collateral consequences.

Baltimore City, Maryland provides an example for defining positions of trust. Baltimore City made changes to the City's administrative hiring policy by removing the criminal history question from its job application. On February 3, 2008, Baltimore City implemented a policy to determine which positions qualified as "Positions of Trust" meaning they require a background check. The policy explained that "a position of trust is created when an individual is permitted to exercise certain authorities without close supervision; and, these authorities, if abused, could lead to personal financial benefit either directly or indirectly. A position of trust is also created when an individual works with children."<sup>19</sup> The policy then lists seven categories that define when a position should be identified as a position of trust.<sup>20</sup> If the position is not a position of trust then the applicant does not need to disclose prior convictions or any other criminal history. However, if the position is a position of trust, the applicant is required to do a background check during the final stages of hiring.<sup>21</sup>

### **Potential approaches in the legislature: Anti- Discrimination Laws**

New York, Wisconsin, Hawaii, and Pennsylvania all have laws prohibiting discrimination against individuals with criminal records in licensing and in public and private employment. As of today, these are the only states that have anti-

discrimination laws that protect those with criminal records. All of the states have ways to administratively enforce the law, except Pennsylvania.

In Pennsylvania, employers will only consider a job applicant's criminal history if they relate to the applicant's suitability for employment.<sup>22</sup> Occupational licensing agencies may consider any felony, but only job related misdemeanor convictions.<sup>23</sup> Additionally, in Pennsylvania, these laws are only enforced in the courts through lawsuits filed.

Wisconsin's anti-discrimination laws prohibits discrimination based on arrest or conviction records in the same manner it prohibits discrimination against members of other protected classes. The statutes apply to employers, labor organizations, employment agencies and licensing agencies. Several types of employers are exempted from the statute<sup>24</sup> and in many cases licensing agencies are not covered.<sup>25</sup> Employers cannot ask applicants about an arrest record, unless a charge is pending, then if the pending charge substantially relates to employment.<sup>26</sup>

The impact of these antidiscrimination laws on returning citizens and employers in these states is an important consideration that merits further consideration.

## ***Promoting Successful Reentry***

### **Some returning citizens do not apply for jobs for fear of lack of eligibility**

There is a widespread stigma associated with being an individual who has a criminal history and/or is returning back into society after having been incarcerated. The stigma results in a reluctance of others to knowingly interact with persons who have criminal records professionally, economically, and socially. Being a productive citizen by working hard at a full-time job is a way to not only reduce that stigma but to also reduce the possibility to reoffend. However, testimony from Workgroup member John Huffington, coupled with stakeholder testimony, revealed that many persons with criminal records fail to apply for jobs because they believe their criminal background precludes them from being hired. This is why it is so critical for Maryland to provide accurate, uniform, and consistent information to the public regarding eligibility after incarceration. The more returning citizens know, the more they are able to succeed.

### **Returning citizens need official identification**

Stakeholder testimony made the need for government identification (i.e. Maryland IDs and/or Driver's Licenses) necessary in order to successfully reenter society. Having these government ID's helps returning citizens get necessary prescriptions for medication, obtain employment, transportation, housing, and gain access to public services. Without identification, returning citizens face significant



hurdles in gaining access to many basic needs. Fortunately, states such as Maryland have made strides in implementing programs on a state level that help returning citizens get these necessary ID's. However, these programs should be expanded to the local level to minimize the collateral consequences for more returning citizens.

### **Continuity of care is essential in the fight against recidivism**

About 700,000 prisoners are released annually from state and federal prisons.<sup>27</sup> Developing cost-effective rehabilitative programs is a high priority as it is shown to reduce recidivism, making communities safer and State budgets less burdened. A key component of rehabilitative programs is a pathway to employment. However, as testimony from stakeholders indicates, employment is still only a part of the puzzle. One potential limitation of previous efforts to improve the employment outcomes for returning citizens is that they only start providing services after leaving prison.<sup>28</sup>

It can be argued that post-release programs start too late to help returning citizens deal effectively with the multiple challenges associated with employment, which can include family relations, substance abuse, and other aspects of re-entry.<sup>29</sup> Early failures in these domains may lead to backsliding and resumption of a pre-imprisonment life style, and we know that the risks are greatest immediately following release.<sup>30</sup> Research has identified reach-in services as a key aspect of a successful re-entry program.<sup>31</sup>

Improved job opportunities are not the only source of assistance. The State must take the lead in assisting returning citizens who need help in dealing with the myriad other problems typically faced by released offenders, including drug addiction, family dysfunction, debts, gang connections, and lack of "soft skills" in dealing with other people on a day to day basis.<sup>32</sup> Moreover, since recidivism rates are particularly high during the months shortly after release from prison, there may be value in providing these services to inmates while they are still in prison in order to prepare them for the challenges associated with re-entering mainstream society.<sup>33</sup>

## **BARRIERS TO LICENSING, EMPLOYMENT & ENTREPRENEURSHIP**

### ***Occupational Licensing***

#### **Occupational licensing consequences for persons with criminal records**

Many (but not all) of the statutory prescriptions against employment by persons with criminal records are lifetime bans.<sup>34</sup> For example, 24 states have laws

mandating lifetime disqualification from unarmed private security guard jobs for any felony conviction, with only four states providing offense age limits.<sup>35</sup>

The American Bar Association's Criminal Justice Section compiled a National Inventory of the Collateral Consequences of Conviction ("NICCC"). NICCC is an online database of the collateral consequences of criminal convictions contained in the laws and regulations of the federal, state and territorial jurisdictions of the United States. In the State of Maryland, there are 1,013 collateral consequences formalized by state law. Further, there are 348 collateral consequences related to occupational licensing and professional certifications, according to the database.<sup>36</sup>

Using the search parameters for mandatory/automatic collateral consequences, it appears that there are 98 such consequences for occupational licensing in the State of Maryland. While there certainly are "blanket ban" consequences mandated by federal law (less than 10), a review of the corresponding section from the Code of Maryland Regulations ("COMAR") indicates that Maryland occupational licensing boards do not subject potential licensees to automatic disqualifications based on criminal records. Further, preliminary research (see Figure 1, below) collected from licensing boards under the Department of Health and Mental Hygiene shows a total of 31 denials from FY11 through FY16 for all practitioners (initial applicants). More data is needed to confirm whether this information is consistent across all occupational licensing boards.

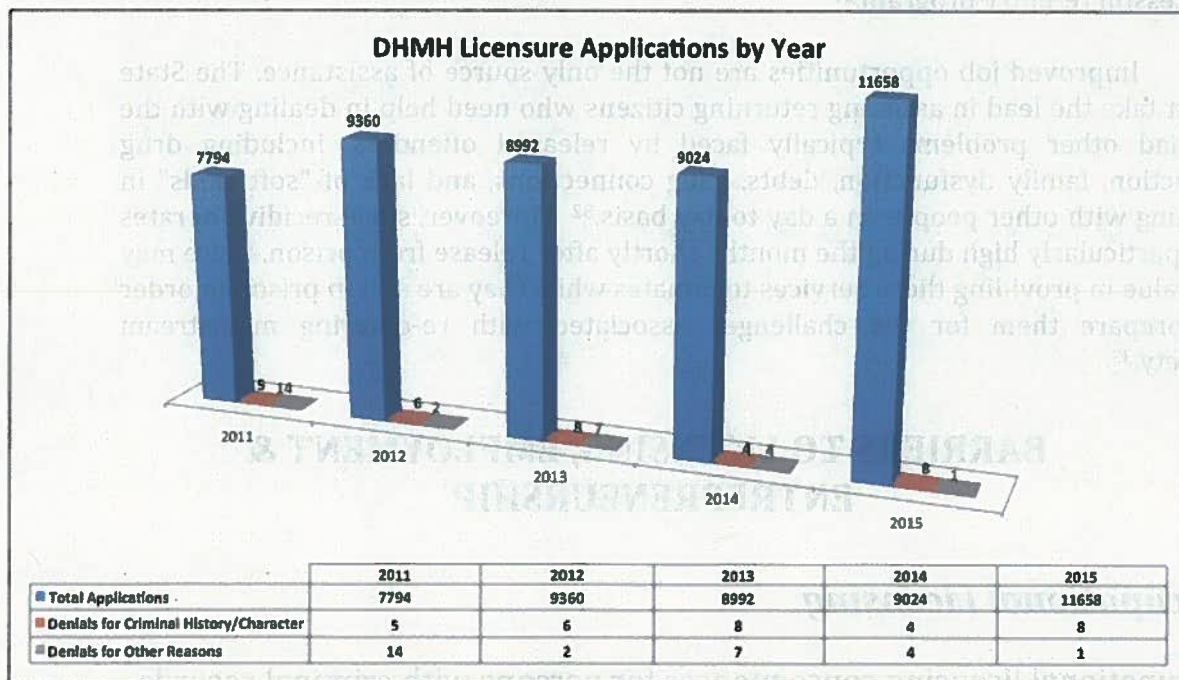


Figure 1.

As an example of how Maryland reviews license applications, Lieutenant Governor Boyd Rutherford requested a review of four statutes identified by the NICCC:

1. "Ineligible for mortician/funeral director apprentice license" under COMAR 10.29.09.11. Further, Md. Health Occupations Code Ann. sec. 7-301.1 requires a criminal background check prior to any license under that section. It outlines, areas for the Board to consider in granting the license to a person with a criminal history. Additionally, the regulation states that an applicant may not have committed "any of the grounds for discipline" under 7-316.
2. "Deny cemetery/burial goods registration (mortuary)" under COMAR 09.34.01.05
3. "Ineligible employment as equipment operator with permitted towing/road service/vehicle storage business (transportation)" under COMAR 11.07.03.08
4. "Ineligible to serve as employee of assisted living program (health care)" under COMAR 10.07.14.19

Each of these laws outlines the requirements for individuals applying to positions subject to the specific statute. Per COMAR 10.29.09.11, applicants must be subject to a criminal background check. Further, the regulation states that an applicant "may not" have committed any of the grounds for discipline specified in Health Occupations Article, § 7-316, Annotated Code of Maryland. Per COMAR 09.34.01.05, an applicant must submit a statement to the Office of Cemetery Oversight if they have committed certain crimes outlined under the statute. Per COMAR 11.07.03.08, Permittees may not employ equipment operators who have been convicted of a felony or certain traffic-related offenses. Finally, per COMAR 10.07.14.19, staff of assisted living facilities may not have criminal convictions or criminal history that indicates behavior that is potentially harmful to residents, as evidenced through a criminal background check completed within 30 days before employment.

Representatives from State licensing boards emphasize that the boards consider each application on a case-by-case basis, taking into consideration six factors: the age at which the crime was committed, the nature of the crime, the circumstances surrounding the crime, the length of time that has passed since the crime, subsequent work history, and employment and character references. For those who receive an adverse decision regarding their occupational licenses, especially as a result of the criminal history records search, the applicant may request a hearing before the Board to appeal the decision, as provided for in the Administrative Procedure Act.

## ***Employment & Entrepreneurship: Criminal History Records***

### **History & Impact of the Federal Credit Reporting Act**

The Federal Credit Reporting Act ("FCRA") is a federal consumer protection law. It provides some protection for those with criminal backgrounds by placing limitations on employers who are looking to consumer reporting agencies for criminal background checks. For instance, if an employer decides not to hire an applicant due to the applicant's criminal history (or takes any adverse action towards the applicant), pursuant to the FCRA, the employer has to provide the applicant with the report on which the employer based its decision and the employer must provide notice about the applicant's right to dispute the accuracy of the information.<sup>37</sup> The FCRA also requires the applicant's authorization before an entity uses a third party consumer reporting agency to conduct a background check.<sup>38</sup> However, the FCRA does not limit the time a criminal conviction can stay on the record.<sup>39</sup> It can remain on the report indefinitely.

California law serves as an example of a state that expands the FCRA in ways that help eliminate collateral consequences. Under California law, employers can consider criminal convictions less than seven years old only if they are relevant to the job. Employers in California can review job applicant arrest records if (i) the arrest(s) resulted in a conviction, or (ii) if the applicant is out of jail but pending trial. Otherwise, arrest records are off-limits. Felonies, misdemeanors and arrests are reportable for seven years.<sup>40</sup> Employers in California cannot inquire about marijuana convictions that are more than two years old. Juvenile criminal records are also off-limits to employers.<sup>41</sup> These protections provide a shield for individuals with criminal histories.

Maryland law also furthers some of the FCRA protections. However, Maryland law differentiates between those with arrest records and those with criminal conviction by offering some protection for those with arrest histories but allowing for collateral consequences concerning employment for those with criminal convictions.<sup>42</sup> Under Maryland law, in order for an employer to obtain information about an applicant's arrest (or non-conviction) history from the Maryland Central Repository (the state government system responsible for authorizing record checks), it must be expressly authorized by statute.<sup>43</sup>

### **EEOC Guidance for evaluating applicants with criminal backgrounds**

The Equal Employment Opportunity Commission ("EEOC") has released Enforcement Guidance on the consideration of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e *et seq.* The EEOC points out that, "[a]n employer's use of an individual's criminal history in making employment decisions may, in some instances, violate the prohibition against employment discrimination under Title VII



of the Civil Rights Act of 1964, as amended.”<sup>44</sup> Therefore, the Enforcement Guidance is to be used by employers considering the use of background checks to hire and retain employees; by individuals who believe that they have been denied jobs or promotions or who have been fired due to their criminal histories; or by the EEOC who investigates the discrimination charges involving the use of the criminal records in employment decisions.<sup>45</sup>

The Guidance looks at disparate treatment and disparate impact analysis under Title VII. A violation by employers may occur under disparate treatment when an “employer treats a criminal history information differently for different applicants or employees, based on their race or national origin.”<sup>46</sup> Under the disparate impact analysis, a violation may occur when “[a]n employer’s neutral policy (e.g. excluding applicants from employment based on certain criminal conduct) may disproportionately impact some individuals protected under Title VII, and may violate the law if not job related and consistent with business necessity.”<sup>47</sup>

The EEOC Enforcement Guidance discusses “[t]wo circumstances in which the Commission believes employers will consistently meet the ‘job related and consistent business necessity defense...’”<sup>48</sup> These circumstances are as follows: (1) The employer validates the criminal conduct exclusion for the position in question in light of the Uniform Guidelines on Employee Selection Procedures (if there is data or analysis about criminal conduct as related to subsequent work performance or behaviors); or (2) The employer develops a targeted screen considering at least the nature of the crime, the time elapsed, and the nature of the job (the three factors identified by the court in *Green v. Missouri Pacific Railroad*, 549 F.2d 1158 (8th Cir. 1977)).<sup>49</sup>

### Value of “Decay Factor” in evaluating persons with criminal records

Despite the growing evidence that employment might decrease crime, the use of criminal history records in employment decisions has increased over time.<sup>50</sup> With the advent of inexpensive Internet searches, most employers now routinely check applicant backgrounds.<sup>51</sup> There are a number of legitimate reasons a potential employer runs a criminal background check. Generally, employees have the right to a safe workplace, and customers have the right to safe products and services provided by the business owner.

The EEOC guidance instructs employers to assess criminal records on an individualized basis, considering such factors as the nature of the crime, the time elapsed since it was committed, and the nature of the job, the extent to which these policies are adopted by hiring managers is unclear.<sup>52</sup>

The use of a criminal background check in the evaluation of potential hires has become a consistent personnel practice for employers. A survey conducted by the Society for Human Resource Management (2012) found that nearly 90% of organizations surveyed reported conducting criminal background checks on at least

some job candidates, and nearly 70% reported conducting criminal background checks on all job candidates. In a similar survey, nearly all human resources professionals reported the discovery of a non-violent felony would be at least somewhat influential in their decision not to extend an offer of employment.<sup>53</sup>

The State of Maryland, specifically, employs the use of a public search website (Maryland Judiciary Case Search) that allows anyone with the ability to use the Internet access to all public case records that have not been shielded or expunged. However, as a society, we know very little about whether, and under what circumstances, criminal justice record information is relevant to various determinations involving employment. This allows an environment where users and employers are left to sort out criminal records based on a variety of inconsistent and subjective factors.

Despite great policy and public interest, there is little qualitative and contextual evidence regarding how employers actually interpret criminal histories in making hiring decisions. In particular, few studies have examined the effect of organizational policies on the everyday, individual-level decision-making process of hiring managers.<sup>54</sup> To an even greater extent than in other areas of employment law, there is currently an absence of consistent, standardized legal rules governing the use of criminal records, particularly in the gray areas of low-level criminal records, non-conviction records, and the rights of private companies to screen applicants.<sup>55</sup> As social actors, organizations are influenced by the particular stigma that attaches to criminal conduct and prevailing moral judgments that link criminal records to traits such as honesty and trustworthiness.<sup>56</sup>

One factor that came to light during the testimony period is a value assessment of a criminal record in light of a “decay factor.” Lauren Lipscomb is the Chief of the Conviction Integrity Unit in the Baltimore State’s Attorney’s Office. She testified that when evaluating violation of probation dockets, prosecutors consider how long ago an offense was committed, and whether since that conviction, a person has had contact with the criminal justice system. In that same way, employers can consider whether someone with an older conviction poses any safety risks to a workplace.

Consider the criminological findings regarding past criminal behavior. Only about 5% to 10% of young offenders actually go on to become “chronic” criminals over time.<sup>57</sup> Most people with a criminal justice contact at some point early in life actually pose little or no risk of going on to become long-term recidivists.<sup>58</sup> Moreover, existing research suggests that the ignored element of “time since last arrest/conviction” may indeed prove to be useful for understanding the connection between past and future criminal activity.<sup>59</sup> Research shows that the risk of offending for those with criminal records converges toward the risk for those without a record as substantial time passes.<sup>60</sup> Thus, adverse employment decisions solely based (or mostly based) on past criminal record is questionable at best, and, at worst, discriminatory.

## **Maryland Judiciary Case Search**

The Maryland Judiciary Case Search system “provides Internet access to information from Maryland case records as described in the Maryland Rules on Access to Court Records (Rules 16-900). In January 2006, Case Search was introduced to satisfy information requests commonly received in the court clerks’ offices. This information includes names of parties, city and state, case number, date of birth, trial date, charge, and case disposition. Case Search includes detailed case information for all Maryland Circuit and District Court Case Management Systems.”<sup>61</sup>

According to Maryland Rules 16-900, Maryland Judiciary Case Search (“Case Search”) provides Internet access to information from Maryland case records. Case Search includes information for all Maryland Circuit and District Court Case Management System. It provides information on traffic (District Only), criminal, and civil case records. Certain case types are protected by the Maryland Rules on Access to Court Records and are not available on Case Search (i.e., Landlord tenant and marriage license records). Records that are not protected remain on Case Search indefinitely, unless removed for a court-ordered reason such as expungement. Case Search states that the records should not be used for a criminal background check, but a simple search of someone’s name provides all Maryland case information that has not been removed or prohibited from publishing.

## RECOMMENDATIONS

### I. Promote consistency in, and uniformity of, application of occupational licensing laws across all State agencies

#### **Recommendation 1: Require Maryland agencies to begin collecting, analyzing, and reporting relevant data.**

Retaining individual-level data about the outcomes of applications to state licensing boards and state government jobs will allow more detailed study of the relationship between criminal history and an applicant's ability to successfully achieve licensure or certification. These data points would provide the information needed to begin to measure the relationship between policies or practices that limit employment for returning citizens, and the employment outcomes for returning citizens. These data points, collected over time, would also allow measurement of any impact of collateral consequence reforms that may be enacted. Limited preliminary data from the Department of Health and Mental Hygiene on the annual totals for recent fiscal years clearly indicate that denials of licenses due to applicants having a criminal history are rare events. In order to get a fuller picture, data is needed from all State licensing boards, including data on the number of persons with criminal records who apply for occupational licenses. Such an endeavor must be considered along with the cost for needed up-to-date technology and possibly additional staff to facilitate the data collection.

#### *Workgroup reflections, suggestions, and recommendations:*

- Maryland begin collecting and storing data from:
  - Maryland state licensing and certification boards: The number of applications received for occupational certifications and licenses, the number of applicants with a criminal history, and the number of applicants accepted and rejected with a criminal history; and
  - Maryland state agencies: The number of applicants for state government jobs employed despite, or rejected due to, criminal history, and follow-up data on the employment outcomes of public employees hired with a criminal history.

#### **Recommendation 2: Encourage Maryland state agencies to publish more information and guidance on data regarding the issuance of licenses to persons with criminal records.**

Making available any summary statistics that arise from the data collection described in Recommendation #1 would help reduce the considerable uncertainty that exists among some applicants regarding the likelihood of success in pursuing certifications/licenses and employment opportunities. Numerous returning citizens



testified that they were discouraged from even applying for state licensures because it was understood that it was a futile effort. The preliminary data from the Department of Mental Health and Hygiene suggests otherwise. Preliminary data suggests that applied discretion in the reviewing and hiring process currently produces more success among applicants with a criminal history than is commonly understood (alternatively, it may be the case that such success is exceedingly rare). It may also help to overcome the anticipated reactions of returning citizens, who may be discouraged from applying in the first instance, to provide illustrative, narrative examples of individuals who, despite having a criminal history, still achieved licensure/certification, or direct employment with the state.

*Workgroup reflections, suggestions, and recommendations:*

- Maryland state agencies to publish more information and guidance — addressed to potential certification/license applicants and employment applicants— encouraging all qualified applicants to apply for licensure regardless of criminal history. Applicants can proactively be made aware that licenses are reviewed on a case-by-case basis. State agencies should include this information in their websites and portals.

**Recommendation 3: Establish uniformity in, and publish guidance on, the review processes of state licensing boards.**

Testimony received by returning citizens during stakeholder meetings indicated distrust regarding the possibility of successful applications to State licensing boards. As discussed in Recommendation #2, this distrust may be due to misinformation and lack of information rather than a decreased likelihood of a successful application because of a criminal record. Information received from the Department of Health and Mental Hygiene and the Department of Labor, Licensing, and Regulation suggests that while similar processes for evaluating an applicant who has a criminal record exist and may be fairly applied across the board, there is no standard guidance that each board follows and adapts to its particular license categories. As such, applicants are unaware of how Maryland State licensing boards evaluate applicants.

Some states have adopted the Equal Employment Opportunity Commission's guidance for evaluating applicants who have a criminal record. According to the EEOC, employers may develop a "targeted screen" based on three factors articulated in a 1975 Eighth Circuit decision, *Green v. Missouri Pacific Railroad*, 523 F.2d 1290 (8th Cir. 1975): (1) the nature of the crime, (2) the time elapsed since the crime, and (3) the nature of the position sought. After an applicant is a finalist for the position, some jurisdictions look at four relevant factors when determining whether someone with a criminal record should be hired: (1) the nature of the offense; (2) the direct relationship of the conviction to the job/license; (3) rehabilitation and good conduct; and (4) time elapsed since the conviction. See Colo. Rev. Stat. § 24-5-101.

*Workgroup reflections, suggestions, and recommendations:*

- Using the factors espoused by Equal Employment Opportunity Commission on the review process for potential licensees, establish and publish guidance on how state licensing boards review potential licensees.
- Include specifics in the guidance that consider the “decay factor” as it relates to the relevancy of an applicant’s criminal record, including a provision providing notice and opportunity to respond if an adverse decision is made to an applicant
- Inform the public that unless mandated by federal or State law, Maryland licensing boards do not subscribe to “blanket bans” – they have full discretion to grant or deny licenses on a case-by-case basis. The mere existence of a criminal history does not automatically disqualify potential licensees.
- Explore the possibility of designated “positions of trust” that preemptively require licensing boards to complete a criminal history records check or criminal backgrounds check, as opposed to self-reporting, so the public is aware prior to applying for those pre-determined positions of trust.

## **II. Remove restrictions that serve as an unnecessary barrier to the successful reintegration of returning citizens**

**Recommendation 4: Revise any and all blanket bans and unnecessary barriers within occupational licensing laws that require permanent and/or mandatory disqualifications.**

One barrier to employment that regularly appears in state occupational licensing laws is the blanket ban, which automatically disqualifies people with certain records. As a gauge for the frequency of blanket bans in licensing laws across the nation, the ABA Inventory reports over 12,000 restrictions for individuals with any type of felony and over 6,000 restrictions based on misdemeanors. In addition, the ABA Inventory reports over 19,000 “permanent” disqualifications that could last a lifetime and over 11,000 “mandatory” disqualifications, for which licensing agencies have no choice but to deny a license. There are 1,013 collateral consequences identified by the ABA in the state of Maryland. Three hundred and forty-eight (348) of those consequences are categorized under “occupational and professional licenses and certifications.” Ninety-eight (98) of those consequences are automatic/mandatory. See Appendix E.

Data consistently supports a comprehensive case-by-case evaluation to be the most efficient process of reviewing applications for persons with criminal records. The American Bar Association’s National Inventory of the Collateral Consequences of Conviction purports to show 98 Maryland regulations providing

for the automatic, and sometimes permanent, disqualification of persons with criminal records from gaining certain occupational licenses. In fact, of the 98 regulations from COMAR cited; only a few are “blanket ban” laws, and federal law mandates those statutes. Nevertheless, it is imperative that even though a number of Maryland statutes reflect that licensing boards *may* deny licenses based on certain factors, applicants understand that one’s criminal history is not the sole consideration before the licensing board.

*Workgroup reflections, suggestions, and recommendations:*

- All agencies should review statutes applicable to their licensing boards, and ensure that no blanket bans or unnecessary barriers exist.
- Support the proposed amendment to COMAR 10.29.09.11 that was signed by the Secretary of Health and Mental Hygiene and submitted to the Department of Health and Mental Hygiene’s Office of Regulations earlier this month. The proposed amendment will be published in the Maryland Register on December 23, 2016. The modified language, listed below, repeals the requirement that an applicant for apprenticeship for a licensed mortician be of good moral character:

COMAR 10.29.09.11 General Requirements.

A.—D. (text unchanged)

E. The applicant shall:

- (1) Apply for apprenticeship on the form required by the Board; and
- (2) Pay the fee as specified in COMAR 10.29.04[]; and
- (3) Be of good moral character and may not have committed any of the grounds for discipline specified in Health Occupations Article, §7-316, Annotated Code of Maryland[].

**Recommendation 5: Study effectiveness of an anti-employment discrimination statute**

Certain restrictions are necessary in order to promote public safety and to avoid employer liability. Our state must successfully balance the twin policy concerns of recidivism and rehabilitation relative to returning citizens in the employment realm with public safety, especially for those who are our most vulnerable members of society — children, the disabled and the elderly. Four states have comprehensive laws prohibiting discrimination against individuals with criminal records in licensing and in public and private employment that also balance the needs of public safety in public and private employment: New York, Wisconsin, Hawaii and Pennsylvania. For instance, Wisconsin’s Fair Employment Act prohibits employment discrimination on the basis of fourteen grounds, which specifically include “arrest record” and “conviction record.” Wis. Stat. Ann § 111.321. However, the Wisconsin statute does contain an exception which provides that employers and licensing agencies may refuse to hire or license an individual, or terminate employment of licensing of an individual, if he or she “[h]as been convicted of any felony, misdemeanor or other offense the circumstances of which substantially

relate to the circumstances of the particular job or licensed activity.” Wis. Stat Ann. § 111.335(1) (c) (1) (West 2002). New York’s statute prohibiting discrimination on the basis of criminal conviction provides two exceptions that allow employers to refuse to hire applicants based on criminal convictions: when “there is a direct relationship between one or more of the previous criminal offenses and specific license or employment sought” and when “the issuance of the license or the granting of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.” N.Y. Correct. Law § 752(1)-(2).

*Workgroup reflections, suggestions, and recommendations:*

- Department of Labor, Licensing and Regulation study the effectiveness of a statewide anti-employment discrimination statute, and subsequently recommend whether or not Maryland should adopt such a statute.

**Recommendation 6: Provide each returning citizen with valid identification card upon release.**

The National H.I.R.E. Network identified a Memorandum of Understanding in Maryland between Maryland Division of Correction and Maryland’s Motor Vehicle Administration (MVA). Upon request, on the day of release, an inmate is given an ID card, which can be used, along with a birth certificate (also can be obtained prior to release for those who need one), to obtain a state-issued ID at the MVA. Court order of probation, order of parole or order of mandatory release can be used as one of two forms of proof of residence. The MVA website does not specifically state that a prison ID will be accepted, but it does include an umbrella category that the MVA will accept a document prepared by any government agency which contains applicant’s name, date of birth and signature. Maryland also has a partnership with MVA where ID’s can be obtained for \$1.00. This program has been successful in that 21,000 people have received ID’s over the life of the program. However, the state ID program is just for state prisons (i.e., those who are incarcerated for 18 months or longer). This program does not apply to local detention centers (those incarcerated for less than 18 months).

*Workgroup reflections, suggestions, and recommendations:*

- Create a program where county detention facilities can also partner with the Motor Vehicle Administration and provide Identification Cards for \$1.00, similar to the State Identification Card program.
- Ensure that the Department of Public Safety and Correctional Services is looking at the comprehensive reentry needs of each returning citizen before their release process and not after, pursuant to the Justice Reinvestment Act.

**Recommendation 7: Remove unnecessary legal barriers that would limit career advancement opportunities for individuals with criminal histories.**

The Federal Fair Credit Reporting Act ("FCRA") promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. Therefore, when an employer hires a third party to conduct criminal background checks from outside agencies, such reports are subject to the FCRA. Many positions require criminal background checks, and Maryland law does expand on FCRA by prohibiting consumer reporting agencies from including in their reports "[r]ecords of arrest, indictment, or conviction of crime" if more than seven years have passed since the date of disposition, release or parole. However, that time limitation does not apply to reports used in connection with "[t]he employment of any individual at an annual salary which equals or which may reasonably be expected to equal, \$20,000.00 or more." Thus, although these provisions may reduce the likelihood that old convictions will pose a barrier to an individual's employment in an entry-level position, these same old convictions may limit the individual's opportunity for career advancement. One employer, however, noted that the recommendation below would impact white collar crime where a long period of review is warranted; further that both eliminating the cap on salary and limiting the time period for review could pose a public safety risk.

*Workgroup reflections, suggestions, and recommendations:*

- That Maryland law expand the FCRA even further by limiting the "look back" period to reports used in connection with employment of any individual at an annual salary, or hourly rate over the course of a year, which equals or which may reasonably be expected to equal \$20,000.00 or more.

**III. Increase employment opportunities for returning citizens through incentive programs and certificates of rehabilitation**

**Recommendation 8: Renew Maryland programming that protects private employers and encourages them to hire returning citizens.**

Effective public safety strategies not only include the pursuit, prosecution, and punishment of criminals, but it also includes equipping individuals who have served their time and are returning to our communities with the skills and education they need to find employment. Returning citizens who lack a clear path to gainful employment have higher chances for recidivism, and lean heavily on state resources. Testimony from workforce programs at stakeholders meetings highlighted the need for the state to invest money into workforce training programs, noting high success rates and low recidivism. Additionally, stakeholders asked the

workgroup to re-establish and expand programs that encouraged private employers to hire persons with criminal records. For example, Maryland's Long-Term Employment of Ex-Felons Tax credit expired in December 2011. According to the Job Opportunities Task Force Guide, this tax credit is currently awaiting implementation. Workforce training program representatives testified that hiring properly trained returning citizens was overwhelmingly beneficial to private employers because these individuals are disciplined, trained, and eager to prove themselves in the work environment. Another incentive is the Federal Bonding program. This federal program provides fidelity bonds for returning citizens. The bonds cover the loss of money or property due to employee's dishonesty, and are free to the employer. The bonding policies cover up to \$5,000 in losses for an individual's first six months of employment.

*Workgroup reflections, suggestions, and recommendations:*

- That the legislature renew Maryland's Long-Term Employment of Ex-Felons Tax Credit as "Maryland Long-Term Employment of Returning Citizens Tax Credit"
- The Department of Labor, Licensing, and Regulation (DLLR) partner with the Greater Baltimore Committee and other private sector entities to inform private employers of current incentives and the benefits of hiring persons with a criminal history. DLLR should also increase recruitment of private employers into these incentive programs.
- That DLLR provide updated data regarding the Federal Bonding Program that is currently in place, and ensure that the information is reaching interested employers.
- The Justice Reinvestment Oversight Board should use some of the savings under the Justice Reinvestment Act to fund programs that train returning citizens and persons with criminal records.

**Recommendation 9: Provide best practice guidance to private employers in hiring individuals with criminal backgrounds**

Many small businesses do not have human resource departments. In those instances, employees who consider applicants with criminal backgrounds for employment and make hiring decision may not have the resources available to make sure small businesses are in compliance with Maryland background check laws. Even companies with Human Resource departments may not have up-to-date resources or training that ensures legal compliance.

*Workgroup reflections, suggestions, and recommendations:*

- Develop a statewide toolkit for Maryland private employers that will serve as a resource guide to help employers navigate hiring an individual with a criminal background. The toolkit would include:

- Training materials for HR personnel/employees who are considering an applicant with a criminal background
- Information ensuring legal compliance with current ban-the-box, background check laws, and any other laws impacting employer liability
- Information to help employers understand the potential legal risks associated with hiring a person with a criminal history

**Recommendation 10: Provide individuals who have successfully completed supervision with positive information to balance certain aspects of their criminal history.**

An avenue pursued in recent years to counteract the negative effect of criminal history has been the availability of certificates of rehabilitation. These certificates can be a way for persons with criminal records to demonstrate that they would be reliable and productive employees. One such potentially positive signal could be transmitted through the attainment of a certificate of rehabilitation, which states that an offender has completed all necessary requirements, and has become “reformed” or “rehabilitated” since their offense. It is hypothesized that certificates of rehabilitation will allow employers to balance the information provided by criminal history with the positive information transmitted via a certificate of rehabilitation. The Justice Reinvestment Act of 2016 in Maryland provides for the issuance of certificates of rehabilitation by the Department of Public Safety and Correctional Services, for all offenses except certain violent and sexual offenses, upon completion of all requirements of supervision. The law further instructs that these certificates of rehabilitation be given consideration by state occupational licensing and certification boards when reviewing an applicant with a criminal history. The particular process by which certificates will be issued, and after what period of time, and their consideration by the relevant boards, will be specified further through implementing regulations in 2017.

*Workgroup reflections, suggestions, and recommendations:*

- The Division of Parole and Probation should assess the implementation of and analyze the effectiveness of “certificates of rehabilitation” that will be established under the provisions of the Justice Reinvestment Act.

#### **IV. Ensure accountability and oversight**

**Recommendation 11: Commission a Maryland-specific study that continues to assess the impact of collateral consequences.**

Understanding the impact of collateral consequences in obstructing or delaying the successful re-entry of those with prior contact with the criminal justice system is necessary and growing area of research. There is a crucial need for

the Federal Bonding Program that is currently in place, and ensure that the information is reaching interested employers. ? The Justice Reinvestment Oversight Board should use



Maryland to continue the work begun by this Workgroup in assessing and analyzing the impact of any collateral consequence in practice in the state, or how any collateral consequences are related to successful reentry and recidivism. Maryland citizens must be made aware of continued data collection efforts by State agencies.

*Workgroup reflections, suggestions, and recommendations:*

- The Governor's Office of Crime Control and Prevention to commission a Maryland-specific study that continues to monitor and analyze the continued impact of collateral consequences, and answers the following questions:
  - Does Maryland's "ban the box" policy work?
  - What are the recidivism rates of returning citizens who become gainfully employed within 6 months of release?
  - What Maryland-specific challenges exist that may jeopardize efforts to reduce recidivism?
  - What current statewide resources that seek to reduce barriers and collateral consequences are available for returning citizens?
  - How have changes to the operation of the Division of Parole and Probation impacted returning citizens' ability to find and maintain employment?
  - How does Maryland's approach to employer liability impact employment opportunities for persons with criminal records?

**Recommendation 12: Ensure a smooth transition and continuity of care for returning citizens**

Reducing recidivism requires Maryland agencies and community organizations to provide a comprehensive, continuous set of services to returning citizens as they move toward gainful employment. Without consistent and tailored services, there is a risk that returning citizens can "fall through the cracks" and return to a life of crime.

*Workgroup reflections, suggestions, and recommendations:*

- The Department of Public Safety and Correctional Services should perform a gap assessment to determine what services and reentry programs are being provided by State agencies and what is being offered by community organizations and programs.
- The study should identify resources that are available and resources that are needed.

## V. Safeguard public records

**Recommendation 13: Maryland Judiciary Case Search/Public Information Access**

Testimony from stakeholders reveals public information from Maryland Judiciary Case Search can be and has been used to unfairly deny employment. Case search information can also contribute to the occupational and professional barriers imposed on those with criminal records. Testimony also revealed that the information found in Case Search can be inaccurate, contain errors, show non-conviction dispositions, and be stale (archived) information.

On October 24, 2016, the General Court Administration Subcommittee of the Court Rules Committee met to consider a Rule governing case search. The Subcommittee is charged with considering possible changes to the Access to Court Records and Rules, including the development of a new Rule governing case search. The initial focus of the Subcommittee is identifying what level and type of access the public should have to court records, particularly remote electronic access.

*Workgroup reflections, suggestions, and recommendations:*

- Encourage the General Court Administration Subcommittee to continue reviewing and considering rule adjustments to limit remote public access, address mistaken and inaccurate information, and to require a uniform rule across the state limiting the time that data remains available for remote access (and even data at the courthouse which has been archived).

## **CONCLUSION**

Led by the Governor's Office of Crime Control and Prevention, and the Judge Alexander Williams, Jr., Center for Education, Justice, and Ethics, the Collateral Consequences Workgroup sought to explore the collateral consequences experienced by persons with criminal records in the State of Maryland. Empirical research, stakeholder testimony, and input from Workgroup members highlighted a wide range of issues that must be examined. Making recommendations to minimize collateral consequences in regards to barriers to licensing, employment and entrepreneurship is the first phase of this process. Collateral Consequences affect more than just public and private employment and occupational and professional licensing. Returning citizens and persons with criminal histories can be affected in the areas of housing, public services, civil rights, and also face severe criminal penalties. Below, are some next steps that should be taken into consideration in order to ascertain how collateral consequences fully affect those with criminal histories:

- Highlight recommendations regarding the criminalization of occupational license violations, including the practicing of an occupation without a license<sup>62</sup>;
- Continue research on collateral consequences in the areas of housing, public services, and civil rights;
- Identify and implement best practices for returning citizens who are in need mental health services;
- Coordinate data collection efforts and analyze current trends.

## ENDNOTES

<sup>1</sup> American Bar Association National Inventory of the Collateral Consequences of Conviction, 2013 [www.abacollateralconsequences.org](http://www.abacollateralconsequences.org)

<sup>2</sup> For reviews, see Pager, 2006; Travis, 2005; Uggen, 2000

<sup>3</sup> Bushway, 1998; Freeman, 1987; Grogger, 1995; Sampson & Laub, 1990, 1993; Uggen, 2000; Western & Beckett, 1999; Western, Kling, & Weiman, 2001

<sup>4</sup> Holzer, Raphael, & Stoll, 2004, 2006, 2007; Pager, 2008; Pager & Quillian, 2005; but see Stoll & Bushway, 2007

<sup>5</sup> Dallan F. Flake, *When Any Sentence is a Life Sentence: Employment Discrimination Against Ex-Offenders*, Washington University Law Review 2015 (citing Sandra J. Mullings, *Employment of Ex-Offenders: The Time Has Come for a True Antidiscrimination Statute*, 64 SYRACUSE L. REV. 261, 261–62 (2014) (explaining that society feels ambivalence about ex-offenders, on the one hand wanting them to have rehabilitation opportunities, but also fearing such opportunities could endanger others))

<sup>6</sup> Rhonda Smith, *Employer Concerns About Liability Loom as Push for Ban-the-Box Policies Spreads*, BLOOMBERG BNA (Aug. 18, 2014), <http://www.bna.com/employer-concerns-liability-n17179893943/>

<sup>7</sup> Miriam J. Aukerman, *The Somewhat Suspect Class: Towards a Constitutional Framework for Evaluating Occupational Restrictions Affecting People with Criminal Records*, 7 J.L. SOC'Y 18, 24 (2005) (noting that in recent years “there has been a major expansion of state and federal laws denying employment in key entry-level jobs, with many of the new laws imposing lifetime felony disqualifications even for nonviolent offenses”); Elena Saxonhouse, Note, *Unequal Protection: Comparing Former Felons’ Challenges to Disenfranchisement and Employment Discrimination*, 56 STAN. L. REV. 1597, 1611–14 (2004) (surveying various laws restricting the employment of ex-offenders in public and private employment)

<sup>8</sup> 42 U.S.C. § 2000e-2(a)(1) (2013); U.S. EQUAL EMP’T OPPORTUNITY COMM’N, EEOC ENFORCEMENT GUIDANCE NO. 915.002, CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 §§ IV–V (2012), available at [http://www.eeoc.gov/laws/guidance/upload/arrest\\_conviction.pdf](http://www.eeoc.gov/laws/guidance/upload/arrest_conviction.pdf) [hereinafter EEOC ENFORCEMENT GUIDANCE] (disparate treatment and disparate impact claims relating to criminal history must be tied to a Title VII-protected trait)

<sup>9</sup> “Work Opportunity Task Credit.” U.S. Department of Labor, Updated 15 Nov. 2016. Web. 26 Nov. 2016.

<sup>10</sup> For more information on this program being implemented in Maryland, see, “Federal Tax Credit: Work Opportunity Tax Credit.” *Pastforwardmd*. 2016. Web. 26 Nov. 2016.

<sup>11</sup> See, Cappelli, Peter. “Assessing the Effect of the Work Opportunity Tax Credit.” ADP. 2011. Web. 26 Nov. 2016

<sup>12</sup> *Id.*

<sup>13</sup> See “About the FBP.” U.S. Department of Labor, 2016. Web. 26 Nov. 2016.

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- <sup>14</sup>*Id.*
- <sup>15</sup> Love, 2006, 2011; Love & Frazier, 2006; Subramanian *et al.*, 2014
- <sup>16</sup>Justice Reinvestment Act (Certificates of Rehabilitation – CS Art., §7-104)
- <sup>17</sup>Best Standard Practices: The Proper Use of Criminal Records in Hiring
- <sup>18</sup>Root & Rebound Reentry Advocates, *California Employers' Fair Chance Hiring Toolkit*, September 2016
- <sup>19</sup>*See Appendix E.*
- <sup>20</sup>*See id.*
- <sup>21</sup>*Supra* (xxi).
- <sup>22</sup> 18 Pa. Cons. Stat. § 9125
- <sup>23</sup> 18 Pa. Cons. Stat. § 9124(c).
- <sup>24</sup> Wis. Stat. §§ 111.335.
- <sup>25</sup> Wis. Stat. § 111.335(c) provides that, “is not employment discrimination because of conviction record to deny or refuse to renew a license or permit . . . to a person who has been convicted of a felony and has not been pardoned for that felony.”
- <sup>26</sup> Wis. Stat. §111.335.
- <sup>27</sup> Cook, P.J., Kang, S., Braga, A.A. et al., *An Experimental Evaluation of a Comprehensive Employment-Oriented Prisoner Re-entry Program*, *J Quant Criminol* (2015) 31: 355. doi:10.1007/s10940-014-9242-5
- <sup>28</sup> *Id.*
- <sup>29</sup> *Id.*
- <sup>30</sup> Visher Christy, Travis Jeremy (2011) *Life on the outside: returning home after incarceration*. *Prison J* 91(Supp. to 3):102S–119S
- <sup>31</sup> Petersilia J (2003) *When prisoners come home: parole and prisoner reentry*. Oxford University Press, New York; Travis Jeremy (2005) *But they all come back: facing the challenges of prisoner reentry*. Urban Institute, Washington, DC
- <sup>32</sup> Petersilia J (2003) *When prisoners come home: parole and prisoner reentry*. Oxford University Press, New York
- <sup>33</sup> Cook, P.J., Kang, S., Braga, A.A. et al. (2015)
- <sup>34</sup>*Id.*
- <sup>35</sup> Emsellem, 2005
- <sup>36</sup> www.abacollateralconsequences.org (The American Bar Association’s Criminal Justice Section created this national inventory to “make it possible for criminal and civil lawyers to determine which collateral consequences are triggered by particular categories of offenses, for affected individuals to understand the limits on their rights and opportunities, and for lawmakers and policy advocates to understand the full measure of a jurisdiction’s sanctions and disqualifications”)
- <sup>37</sup> 15 U.S.C. §§ 1681b(b)(3), 1681g(c).
- <sup>38</sup> 15U.S.C. § 1681 *et seq.*
- <sup>39</sup> 15U.S.C. § 1681(a)(5)
- <sup>40</sup> Cal. Civil Code §1785.13
- <sup>41</sup> *See id.*
- <sup>42</sup>*See* Washington Lawyers’ Committee For Civil Rights & Urban Affairs, “The Collateral Consequences of Arrests and Convictions under D.C., Maryland, and Virginia Law”, (Oct. 2014) (“WLC report”) at 10-11, and underlying ordinances

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<sup>43</sup> MD. CODE REGS. 12.15.01.13; MD. CODE ANN., CRIM PROC. § 10-219.

<sup>44</sup> "EEOC Enforcement Guidance." *U.S. Equal Employment Opportunity Commission*. 25 Apr. 2012. Web. 26 Nov. 2016.

<sup>45</sup>*Id.*

<sup>46</sup>*Id.*

<sup>47</sup>*Id.* The EEOC explains that, "[n]ational data supports a finding that criminal record exclusions have a disparate impact based on race and national origin. The national data provides a basis for the Commission to investigate Title VII disparate impact charges challenging criminal record exclusions. *See also, Griggs v. Duke Power Company*, 401 U.S. 424, 431-32 (1971). The Supreme Court decision that first recognized that Title VII permits disparate impact claims.

<sup>48</sup>EEOC Enforcement Guidance." *U.S. Equal Employment Opportunity Commission*. 25 Apr. 2012. Web. 26 Nov. 2016.

<sup>49</sup> *Id.*

<sup>50</sup>Scarlet Letters and Recidivism: Does an old Criminal Record Predict Future Offending? Megan C. Kurlychek, Robert Brame, & Shawn D. Bushway (2006).

<sup>51</sup>Bushway, Stoll, and Weiman, 2007

<sup>52</sup>Kurlycheck, Brame & Bushway, 2006

<sup>53</sup>Society for Human Resource Management, 2010

<sup>54</sup>Legal Ambiguity in Managerial Assessments of Criminal Records, 2014 (Sarah Esther Lageson, Mike Vuolo, and Christopher Uggen)

<sup>55</sup>EEOC 2012a; NELP 2013

<sup>56</sup>Lageson, Vuolo, & Uggen, 2014

<sup>57</sup> See, e.g., Dunford and Elliott, 1984; Moffitt, 1993; Shannon, 1982; Wolfgang, Figlio and Sellin, 1972

<sup>58</sup>Kurlycheck, Brame, & Bushway, 2006

<sup>59</sup>*Id.*

<sup>60</sup>*Id.*

<sup>61</sup> "Maryland Case Search FAQ." *Maryland Courts*. 2016. Web. 18 Oct. 2016.

<sup>62</sup> See Appendix G for a list of criminal penalties in Maryland for practicing certain occupations without a license.







# **Final Report of the Collateral Consequences Workgroup**

**Appendix A – Press Release by Governor Larry Hogan**



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GOVERNOR LARRY HOGAN[HOME](#)[PRESS RELEASES](#)[SPEECHES](#)[EXECUTIVE ORDERS](#)[BILL SIGNINGS](#)**Biographies**

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**Governor Larry Hogan Announces Review of  
Barriers to Re-Entry**

December 16, 2015

*Governor's Office of Crime Control & Prevention to  
Lead Study on Impact of "Collateral Consequences"  
and Provide Recommendations for Possible Reform*

**ANNAPOLIS, MD** – Governor Larry Hogan today announced a multi-agency initiative, led by the Governor's Office of Crime Control & Prevention, to conduct an extensive review of the legal and regulatory barriers that individuals with a criminal record face when re-entering the community after time in prison.

In addition to criminal penalties that may be imposed at sentencing, there are many legal and regulatory penalties, sanctions, and restrictions—commonly known as collateral consequences—that are distinct from the direct consequences imposed as part of the court's judgment at sentencing. For example, those with a criminal record may lose their professional or occupational licenses. They may have difficulty getting a job, starting a business, accessing public services and programs such as student loans and housing, or volunteering in the community. While these consequences are often discussed within the context of re-entry from incarceration, they can also affect those who serve no prison time.

"These consequences have a lasting impact, making it more difficult for ex-offenders to re-enter society, find a job, and fully engage in the community," said Governor Hogan. "We took an important step to expand employment opportunities with the Second Chance Act, but there are continued obstacles to re-entry that demand a thorough review."

"I look forward to collaborating with stakeholders across Maryland to determine whether certain restrictions on ex-offenders can be more narrowly tailored or eliminated altogether without jeopardizing public safety," said Christopher B. Shank, executive director of the Governor's Office of Crime Control & Prevention.

According to the American Bar Association's National Inventory of Collateral Consequences of Conviction, there are over 1,000 collateral consequences associated with various criminal convictions in Maryland.

Many ex-offenders are unable to get a job or start a business, preventing them from leveraging entrepreneurial talents or vocational skills. The Second Chance Act, signed by Governor Hogan and effective October 1, 2015, works

**Press Release  
Archives**

to address this issue by allowing individuals convicted of certain nonviolent crimes to petition the court to shield their record three years after satisfying any mandatory supervisory obligations. Continuing to tackle the negative effects a criminal record has on employment will expand economic opportunity across the State.

This effort, being announced today, will build upon the work of the Justice Reinvestment Coordinating Council, a group organized to develop recommendations to further decrease the State's prison population, reduce recidivism, and control corrections spending. The Council's final meeting is tomorrow afternoon, at which time it will release its final report and recommendations to Governor Hogan and the General Assembly.

In its review, the Governor's Office of Crime Control & Prevention will appoint a working group of state agencies, including the Departments of Public Safety and Correctional Services and Labor, Licensing and Regulation among others, nonprofits, advocacy groups, ex-offenders, and the business community. The workgroup will gather input on the impact of collateral consequences, research potential reforms, and formulate recommendations on how to address the issue. The study will identify those restrictions that appear to serve as an unnecessary barrier to the successful reintegration of ex-offenders. The study will culminate in recommendations to Governor Hogan by December 1, 2016.

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# **Final Report of the Collateral Consequences Workgroup**

**Appendix B – Maryland Justice Reinvestment Act**



## **The Justice Reinvestment Act – Chapter 515 of 2016**

### **Collateral Consequences Study**

**SECTION 9. AND BE IT FURTHER ENACTED,** That the Department of Health and Mental Hygiene, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services shall:

(1) in consultation with organizations representing businesses dedicated to improving the business climate in Maryland and nonprofit organizations with the mission to develop and advocate policies and programs to increase the skills, job opportunities, and incomes of low-skill and low-income workers and job seekers, review and make recommendations regarding:

(i) potential barriers to employment, licensing, and entrepreneurship for individuals with a criminal record, including the denial, suspension, or revocation of occupational licenses for criminal convictions; and

(ii) the criminalization of occupational license violations, including the practicing of an occupation without a license; and

(2) make recommendations regarding changes to occupational licensing laws that:

(i) promote the State's policy of encouraging employment of workers with a criminal record by removing barriers for applicants seeking to demonstrate fitness for occupational licenses;

(ii) protect the integrity of professional occupations while promoting the State's interest in maintaining public safety and reducing costs and burdens to the criminal justice system;

(iii) promote consistency in and uniform application of the occupational licensing laws across all State agencies, including the State Department of Agriculture, the Department of the Environment, the Department of Health and Mental Hygiene, the Department of Human Resources, the Department of Labor, Licensing, and Regulation, and the Department of Public Safety and Correctional Services; and

(iv) on or before December 31, 2016, report the findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.







# **Final Report of the Collateral Consequences Workgroup**

**Appendix C – Maryland Data Analysis Center Report to the  
Workgroup on Collateral Consequences of Convictions**

# MARYLAND DATA ANALYSIS CENTER

DEPARTMENT OF CRIMINOLOGY AND CRIMINAL JUSTICE ♦ UNIVERSITY OF MARYLAND, COLLEGE PARK

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## **A Report to the Workgroup on Collateral Consequences of Convictions Governor's Office of Crime Control & Prevention**

### ***A Review of the Literature on Collateral Consequences and the Information Value of Prior Criminal History, and Recommendations for the Consideration of the Workgroup***

Emily Glazener

Kiminori Nakamura, Ph.D.

Jinney Smith, Ph.D.

*Draft paper prepared for presentation to the Workgroup, September 26, 2016. Please do not cite or quote without permission. A final version of this paper will be included in the December 2016 Final Report of the Workgroup. Please direct questions regarding this report to Jinney Smith at [jinneys@umd.edu](mailto:jinneys@umd.edu), or 301-405-8043.*

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## EXECUTIVE SUMMARY

This paper examines the published literature regarding the following topics relevant to the Workgroup's charge: the impact of collateral consequences on re-entry success (particularly in the area of ex-offender employment), and the useful duration of the information value of prior criminal history in evaluating future risk. While the literature on these topics is not extensive, due to the relatively recent appearance of empirical studies on such topics, findings are discussed to assist the Workgroup in making recommendations to improve the employment prospects of ex-offenders in light of barriers presented by current collateral consequences. In addition, the most common remedies enacted to ameliorate the impacts of collateral consequences are described, and, where research has been conducted, the effectiveness of such remedies is summarized. Finally, in the concluding section, we present a set of recommendations, based on the literature and Maryland-specific developments, identifying the data necessary to understand better the impact of collateral consequences in Maryland, and how the published literature may inform the Workgroup's deliberations on recommendations for policy reform.



## INTRODUCTION

Rising incarceration rates over the past few decades have resulted in not only more individuals behind bars, but also in more individuals being released from prison into the community each year. Offenders released from prison face a myriad of barriers to a successful reentry into society. Collateral consequences are often described as invisible punishments, in that these additional consequences tend to be an underappreciated after-effect of interaction with the criminal justice system. While these barriers impact various aspects of life, from voting to employment to housing, there remains relatively little empirical research on collateral consequences and their impact on an individual's risk for recidivism.

The concern about the deleterious effects of collateral consequences stems from the understanding that such consequences make it more difficult for offenders to reintegrate fully back into society, resulting in a higher likelihood that the ex-offenders will return to offending, and thus return to criminal justice supervision or imprisonment. Such concerns are well-founded. Recidivism is a significant problem throughout this country's criminal justice systems, as the majority of released prisoners will recidivate. Of all prisoners released from prison in 2005 in 30 states examined, 67.8% were arrested within three years of release, and 76.6% were arrested within five years (Durose et al., 2014). Of those rearrested within five years of release, 36.8% were arrested within their first six months back in society. Additionally, property offenders were the most likely to be rearrested -- 82% within 5 years of release (Durose et al., 2014). These figures contribute to the idea of the "revolving door" of our criminal justice system.

Recidivism rates for individual states are harder to come by, particularly because a significant minority of individuals are arrested in more than one state. (This is demonstrated by Durose et al. (2015) who found 24% of prisoners released from Maryland facilities in 2005 had a prior out-of-state arrest, and of those released from incarceration in Maryland in 2005, 13% were arrested in another state within 5 years of release.) In a 2013 publication from Maryland's Department of Public Safety and Correctional Services, it was stated that the state's three-year recidivism rate (measured as the rate of ex-inmates returning to prison or community supervision for new offenses), had declined since 2007, from 47.8% to 40.5% in 2012 (DPSCS, 2013).

This report will focus on the research literature examining the impact of collateral consequences. Collateral consequences span various aspects of an ex-offender's life, and existing studies into these various areas are reviewed. Another area of research which must be considered in any discussion of the impact of collateral consequences is the information value provided by prior criminal history. Policy makers have begun implementing time limits for how long a collateral consequence will apply after arrest or conviction. Research investigating the time to "redemption" (when an ex-offender's risk of offending reaches that of the general population) is discussed. We also review common "remedies" adopted to ameliorate collateral consequences, including expungement & shielding of criminal history, the adoption of "ban the box" policies in the application and hiring process, and the issuance of "certificates of rehabilitation" by criminal justice agencies for those who are no longer under criminal justice supervision or incarceration. Finally, for the consideration by the Workgroup, recommendations drawn from the research literature are presented at the conclusion of this paper.



## **IMPACT of COLLATERAL CONSEQUENCES**

While some collateral consequences, such as the effect of a criminal record on employment, have been well-known and researched for decades (Schwartz and Skolnick, 1962), the majority of current collateral consequences have been rarely or never researched. In the past few years, more attention has been given to these less studied consequences. The vast majority of research into the impact of collateral consequences has divided the various laws by descriptive category, and typically focused on one specific type of consequence (Travis et al., 2014; Wheelock, 2005).

The area of collateral consequences that has received the most attention is the impact of criminal justice involvement on employment and employment opportunities. The majority of research has documented that incarceration and other forms of criminal justice involvement are related to poor employment outcomes (Holzer et al., 2006; Pager, 2003; Pager et al., 2009; Stoll and Bushway, 2008; Travis et al., 2014; Western et al., 2001). Studies utilizing survey data, administrative data, ethnographic observation, and the examination of aggregate effects overall, have demonstrated these negative employment outcomes (Travis et al., 2014). However, some research has not found such a relationship. Loeffler (2013) examined the impact of imprisonment in the life course, utilizing an experiment in which judges were randomly assigned cases, and did not find an effect of imprisonment on employment. This study suggests selection results in imprisoned individuals later having employment difficulties (Loeffler, 2013).

Pager (2003) and Pager et al. (2009) conducted experiments in Milwaukee and New York City, respectively, in which four individuals, two black and two white, were paired by race and applied for entry-level jobs, such as wait staff or sales. Each week, one individual in each pair

was assigned a felony criminal record and the rest of the resume was made equal. The pairs were randomly assigned 15 job applications each week where each individual would meet the employer, fill out an application and complete an interview if asked to do so. Individuals with criminal records were much less likely to receive callbacks in both Milwaukee and New York City. Additionally, these studies found that whites with criminal records were as likely, if not more so, to receive callbacks as black applicants with no criminal record.

Uggen et al. (2014) conducted a similar experiment in the Minneapolis-St. Paul area in which matched pairs of white and African-American men applied for entry-level jobs. One member of each pair was randomly assigned a disorderly conduct arrest, but no conviction, on their record. This study found while an arrest-only record did not have as large of an impact as the conviction record, as seen in Pager (2003) and Pager et al. (2009), the disorderly conduct arrest decreased employer callbacks by 4% among both whites and African-Americans (Uggen et al., 2014).

Other studies have examined not only the impact of a criminal record in the hiring process but also the wage penalties that accompany those who are hired with a criminal record. In examining past research and methodologies, Western et al. (2001) estimated incarceration results in a wage penalty ranging between 10% and 30%. Western et al. (2001) conclude that wage penalties are greater for white-collar criminals. More research is needed to understand the impact of arrest, conviction, and time in jail on subsequent earning potential.

An important aspect of the employment research is the availability of criminal history online and the use of background checks in the hiring process. Research has found that the availability of online criminal records has a negative impact on ex-offenders. Finlay (2009), utilizing the National Longitudinal Survey of Youth (NLSY), examined the availability of online

records on employment outcomes. In open-record states compared to states without open records, ex-offenders earned hourly wages that were 8.7% lower, and annual earnings (wages and salary) that were 18.7% lower. In addition, ex-offenders in open records states were 5% less likely to be employed. These estimates overshadowed the impact of incarceration alone. Thus, Finlay (2009) concludes that the availability of criminal history records is a major determinant of economic outcomes for ex-prisoners. Additionally, Luca (2015) examined the link between online criminal records and recidivism, and found that the availability of online records led to an 11% increase in recidivism, as measured by those with a prior felony conviction being admitted to prison with a new sentence.

Stoll and Bushway (2008) focused on the use of criminal background checks in hiring, using an establishment survey in Los Angeles. As expected, this study found employer-initiated background checks were negatively associated with the hiring of ex-offenders, however, that relationship was largely driven by employers who were legally obligated to perform such checks. Employers who were not legally required to perform checks, but conducted them for their own benefit, hired the ex-offenders at the same rate, about 2.3%, as employers in establishments that did not perform checks, compared to 1% for employers legally required to check (Stoll and Bushway, 2008).

There have been somewhat surprising research findings, however, that indicate criminal background checks may be beneficial for the hiring of disadvantaged groups. The background check is typically viewed as screening out individuals, although in one study, the background check served as a mechanism by which positive information was gained, acting to override negative stereotypes regarding the “typical” offender, which would otherwise persist in the absence of a background check. Holzer and colleagues (2006), utilized an establishment survey

conducted from 1992 through 1994, which included 3,000 establishments (businesses) in Atlanta, Boston, Detroit, and Los Angeles. This study found employers who checked criminal histories in their hiring process were 8.4% *more* likely to hire African American men. This relationship was even stronger among employers who expressed a strong aversion to hiring ex-offenders, indicating that without background checks, employers act according to bias, and are more likely to discriminate against minorities.

Compared to the employment context, additional areas of collateral consequences have not received as much attention by researchers. These consequences can be organized into the following categories: civic consequences, benefits and aid, and other consequences (Wheelock, 2005). Civic collateral consequences include voting restrictions, jury exclusion, gun ownership restrictions, and restrictions from serving in public office. Benefits and aid consequences involve eligibility for programs and services such as welfare, school grants and loans, and public housing. Lastly, the other or miscellaneous category includes consequences such as immigration deportation, residential registry and community notification, or parental custody.

For civic collateral consequences, the research available has focused on felon disenfranchisement. As of 2010, 2.5% of the U.S. voting age population was disenfranchised due to contact with the criminal justice system, and 1 out of every 13 African Americans were disenfranchised (Uggen et al., 2012). Only Maine and Vermont place no restrictions on felon voting while every other state ranges from disenfranchising prisoners to disenfranchising all individuals in prison, on parole and probation, and all ex-felons (Uggen et al., 2012). Researchers have discussed widespread disenfranchisement as a punitive continuation of outsider status to ex-offenders (Alexander, 2010; Kleinig and Murtah, 2005; Manza and Uggen, 2006). In an attempt to understand the bigger picture of felon disenfranchisement, Manza and Uggen

(2006) examined the impact of these laws on past elections. Examining Florida, the authors determined that state's disenfranchisement laws impacted the presidential election of 2000. Manza and Uggen (2006) calculated the number of disenfranchised individuals in Florida, estimated the percentage of those individuals who would vote if allowed, and how those individuals would vote, and found if all 800,000 former felons had been allowed to vote in that election, Al Gore would have won the state of Florida and thus the national election. In another study in Florida utilizing 54 interviews with ex-offenders, Miller and Spillane (2012) found 39% of their sample believed there was at least some connection between the ability to vote and their ability to stay out of trouble.

Benefits and aid consequences involve eligibility for programs and services such as welfare, school grants and loans, and public housing. Lovenheim and Owens (2014) conducted one of the few studies on service and aid consequences when they examined the impact of amendments to the Higher Education Act in 2001, which made federal financial aid unavailable for up to two years for individuals convicted of drug offenses. Utilizing data from the National Longitudinal Study of Youth, these researchers found the ban on federal financial aid increased the amount of time between graduating high school and attending college, by about two years on average. Additionally, there is some support that individuals convicted of drug charges had a lower probability of ever attending college compared to before the amendments went into effect. Furthermore, the authors did not find evidence that the amendments in any way deterred drug offenders (Lovenheim and Owens, 2014).

Holtfreter et al. (2004) utilized interviews with 134 female felony offenders to examine the impact of receiving state-sponsored assistance, broken up into two categories of housing or "life and skills programming", on two measures of recidivism, rearrest and parole or probation

violation. These authors found poor offenders who did not receive either type of state-sponsored assistance were 3.3 times more likely to recidivate (45% vs. 14%). Providing state resources for immediate needs to poor female offenders was associated with a lower odds of recidivism (odds ratio=.17). This study highlights the potential benefits of public assistance to aid successful reintegration into society for poverty-stricken female offenders, and the difficulties faced by this group when certain types of public assistance are denied due to an individual's criminal history (Holtfreter et al., 2004).

Another aspect of service and aid consequences involves food aid. Examining a sample from three different states with varying bans on Supplemental Nutrition Assistance Program (SNAP) for drug offenders, Wang et al. (2013) found that states which enacted bans on SNAP eligibility had higher rates of food insecurity among the individuals subject to the ban. Although this study only had a small sample, it suggests evidence of the negative impact of aid restrictions for ex-offenders. In her literature review of the effect of collateral consequences on recidivism, Whittle (2016) stated, "There has been practically no qualitative research on the impact that collateral sanctions have on access to public assistance benefits and recidivism in the United States" (10). Additionally, "No one knows exactly how many people are excluded from public housing because of criminal records, or even the number of people with criminal records who would be ineligible if they applied" (Alexander, 2010; 147). The lack of data on these and other areas of collateral consequences makes it more difficult to understand the impact these laws have on the ex-offender population.

In the last category of miscellaneous consequences, ex-offenders are subject to consequences involving immigration deportation, community notification, or parental custody. Most of the research focusing on these other consequences involves sex offender registration.

Utilizing surveys from registered sex offenders in Kentucky, Tewksbury (2005) found a sizeable proportion of the sample experienced negative consequences of registration: “More than a third of registrants report losing a job, losing or being denied a place to live, being treated rudely in public, losing at least one friend, and being personally harassed due to their registration as a sex offender” (Tewksbury, 2005: 78). As with similar exploratory studies, Tewksbury (2005) utilized a small sample but his findings demonstrate the widespread negative impact of being labeled as a registered sex offender. In summarizing the literature examining the effects of numerous sanctions on sex offenders, Whittle (2016) concluded sex offender registration and notification (SORN) policies had “no significant effect on sexual recidivism, time to recidivism, or number of victims” (13). Additionally, “sex offender residence restrictions do not significantly impact recidivism” (Whittle, 2016; 13).

Due to the disparate reach and impact of all types of collateral consequences, only one study has attempted to analyze the effects of collateral consequence laws across states to examine their collective impact on a measure of recidivism. Sohoni (2014) utilized data from two national datasets, the National Prisoner Statistics Survey and the Bureau of Justice Statistics Parole Survey, to examine if states with harsher combined collateral consequence laws had higher rates of recidivism, measured as returns to prison. Using the National Prisoner Statistics Survey, returns to prison was measured as the percent of a state’s 2010 prison admissions that were returns from conditional release, whether for a violation or for a new crime. Using the BJS Parole Survey, returns to prison was measured as the percent of exits from parole that were returned to prison. Sohoni (2014) focused on 6 areas of collateral consequence laws: voting, access to records, employment, housing, public assistance, and driver’s licenses. The main finding of note is that while the effect of collateral consequence laws on returns to prison for a

new crime was mixed, for technical violation returns to prison, it was found that harsher laws resulted in lower rates of returns to prison. Sohoni (2014) explains this counterintuitive finding with the hypothesis that parole officers are more sympathetic with technical violators in states with harsher laws, and are thus less likely to send those offenders back to prison for minor technical violations. Although this study had mixed results from the two data sources used, it represents an important first step toward understanding the impact of collateral consequence laws as a whole.

Understanding the impact of collateral consequences in obstructing or delaying the successful re-entry of those with prior contact with the criminal justice system is a relatively new, but growing, area of research. Currently, no Maryland-specific study exists on the impact of any collateral consequence in practice in the state, or how any collateral consequence is related to successful reentry or recidivism. In the conclusion, we describe possible future data collection activities which may assist the State as it contemplates collateral consequence reform.

## **THE USEFUL DURATION of CRIMINAL HISTORY INFORMATION**

Criminologists have explored the causes of desistence from crime for decades (Blumstein et al., 1985; Brame et al., 2003; Sampson and Laub, 2003), and previous literature has demonstrated that the risk of reoffending decreases steadily over time (Schmidt and Witte, 1988; White et al., 1987). Only in the past few years has research turned to the specific issue of redemption, the examination of how long after a criminal conviction or incarceration an individual's risk of reoffending approaches that of the general population (Blumstein and Nakamura, 2009; Bushway et al., 2011; Kurlychek et al., 2006; Kurlychek et al., 2007).



The first study to examine this issue was conducted by Kurlychek and colleagues (2006) who examined police contacts among two groups of juvenile males born in 1958 in Philadelphia, and collected their records of arrest through age 26. This cohort study utilized hazard rates to examine the probability of future arrests for the police contact group and the group with no contacts. While the authors point out that, through age 26, at no point do individuals with police contacts become indistinguishable from those with no contact, the difference in magnitude between the two groups is small and decreases over time. Additionally, the authors separated age-18 violent and nonviolent offenders and found the violent offender hazard rate tended to be slightly higher than the non-violent group but the two were difficult to statistically distinguish. Kurlychek et al. (2006) conclude by stating they believe this study “supports explicit time limits in any statutory restrictions on employment” (499).

Later studies sought to expand on Kurlychek et al.’s (2006) exploratory study, particularly by increasing the follow-up period. Utilizing the 1942 Racine, Wisconsin cohort of 670 males, Kurlychek et al. (2007) examined the impact of juvenile police contacts with a 15-year follow up period. The authors focused on the same question as their previous study, without differentiating by crime type. With similar findings to the 2006 study, Kurlychek et al. (2007) concluded with “if a person with a criminal record remains crime free for a period of about 7 years, his or her risk of a new offense is similar to that of a person without any criminal record” (80).

Blumstein and Nakamura (2009) examined how the point of redemption varied by crime type and age at first arrest for individuals who had their first arrest in 1980 in New York State. This was the first redemption study that was based on large, representative administrative records, similar to the records actually used in employment background checks. With a 27-year

follow-up, comparing their sample to both the general population and to the population of never arrested, Blumstein and Nakamura (2009) found that those who were younger at first arrest and violent offenders had longer redemption periods. The study found that those who had committed a robbery at age 16 had the longest time to redemption (8.5 years), while those whose first robbery occurred at age 20 had a redemption period of only 4.4 years in comparison, to reach the risk level of that of the general population. Burglary and aggravated assault were similar, with 4.9 years to redemption with first arrest at age 16, and 3.2 and 3.3 years, respectively, for arrest at age 20. The authors recommend providing employers with information regarding the relationship between crime type and age at first arrest on time to redemption, as well as information about the diminished predictive value of records over time, to allow for employers to make the most informed decision about the future risk of an applicant.

Bushway et al. (2011) sought to expand the redemption literature by studying a Dutch sample of individuals convicted of a crime in 1977 and a non-offender sample gathered from Netherlands' draft records. This study examined the effect of age at last conviction and the number of prior convictions on progress toward redemption. While finding similar results as the previous redemption literature with regard to young offenders with no criminal history, Bushway et al. (2011) found that age at last conviction had an impact on redemption in that older offenders resembled the non-offender sample much more quickly than younger offenders. Additionally, the study found individuals with an extensive criminal history (with 4 or more convictions) had risks of offending that either never converged with the non-convicted sample or only converged after at least 23 years. This study demonstrated the complexity of redemption research and the limitation posed by studies that only focused on young offenders from their first arrest.

(A table detailing all four redemption studies is provided in Appendix A.)

## **REMEDIES: EXPUNGEMENT & SEALING, “BAN THE BOX”, and CERTIFICATES OF REHABILITATION**

An important distinction in remedies for the availability of criminal history should be made between expungement laws and shielding/sealing laws. Although laws vary widely across states, expungement typically entails the destruction of the criminal record, meaning the record is no longer accessible to anyone, including criminal justice officials. On the other hand, shielding or sealing criminal history does not result in the destruction of the criminal record, as the record continues to exist and remains accessible for designated purposes, but the record is removed from public inspection or dissemination (Ispe-Landa and Loeffler, 2016; Subramanian et al., 2014).

State governments have increasingly adopted policies in recent years that expand eligibility for expunging one’s criminal history. Typically, expungement is made available for individuals who have committed minor misdemeanors and have successfully completed all supervision and other requirements (e.g., court-ordered victim restitution) (Ispe-Landa and Loeffler, 2016; Shlosberg et al., 2014; Subramanian et al., 2014). In Maryland, individuals must petition for the expungement of their records, and may not petition to do so until at least 10 years after all components and conditions of their sentence have been served or satisfied.

The use of expungements is increasing in Maryland, from 15,729 expungements in 2004, to 36,412 in 2015 (Maryland, 2016; preliminary year-to-date figures suggest the 2016 total will be in the range of 40,000–45,000 expungements). This number is expected to increase further after 2017, as the recently enacted Justice Reinvestment Act further expands the availability of expungement for several dozen additional offenses, including controlled substance and

paraphernalia possession, misdemeanor property offenses, prostitution, fraud, and second-degree assault, among other offenses.

There is a practical concern with the effectiveness of expungement and sealing/shielding laws as remedies. Expunged, sealed, or shielded records may continue to be available for inspection via online databases (including media coverage of offenders). There are practical and legal difficulties in regulating for-profit third parties who distribute these records to employers (Shlosberg et al., 2014), in addition to the potential for employers to discriminate against minorities in the absence of records, as discussed previously (Holzer et al., 2006; Agan and Starr, 2016). The private sector plays a significant role in the background check arena, in selling their services to employers, and private records companies often promote their service as quicker, more comprehensive, and more up-to-date compared to background checks performed by official state criminal history repositories.

Compared to sealing/shielding laws, which remove criminal history information from public inspection or dissemination, there is an additional unanticipated consequence of expungement. Factually and historically complete criminal history records are necessary for a variety of research purposes, both by criminal justice agency, academic, and other researchers. The “redemption” literature reviewed earlier would be difficult to pursue in a state with significant and selective expungement of criminal history records. Increasingly, correctional agencies use risk and needs assessment tools for developing case management plans, and norming and validating such tools require complete and accurate criminal history records. Even the calculation of the key criminal justice performance measure – recidivism – is compromised when using incomplete criminal history records. While expungement may help remedy the impact of a prior offense limiting an individual’s future opportunities, sealing/shielding records,

with the provision that records are archived for criminal justice and research purposes, would also allow for the advantage of expungement, without the accompanying disadvantage.

Another policy increasingly being adopted to counteract the negative effect criminal history has on employment opportunity is the enactment of “ban the box” laws. The “box” referred to in these laws is the question commonly present on job applications asking the applicant if he or she has a criminal conviction (Agan and Starr, 2016; D’Alessio et al., 2015; Henry and Jacobs, 2007). More than 100 jurisdictions and 24 states have implemented a “ban the box” law, most of which apply to public employees. Seven of these states (such as New Jersey and Minnesota) and many cities have also extended the ban to private employers (Rodriguez and Avery, 2016). Maryland’s “ban the box” law was signed into law in 2013 and applies solely to state public employers (Rodriguez and Avery, 2016).

At the federal level, the Federal Interagency Reentry Council began working in 2011 to identify policy reforms that would improve re-entry outcomes for ex-offenders. Furthermore, President Obama released a memorandum in November 2015, directing the Office of Personnel Management to evaluate strategies to reduce barriers to employment and licensing by delaying consideration of an applicant’s criminal records to later in the hiring process, and consider the nature and time passed since an individual’s offense in the granting of a license (The White House, 2015 and 2016).

Although “ban the box” laws vary by state and city, they typically mandate moving the question to later in the hiring process, when individuals undergo a background check only after they are among the remaining few applicants being considered. Many of these laws also state that an individual can only be rejected if the crime discovered in the background check is directly relevant to the job in question (D’Alessio et al., 2015). A caveat to “ban the box” movements

that merits mention is these laws would only impact the most employment-ready ex-offenders (Henry and Jacobs, 2007).

In an analysis of a “ban the box” law, D’Alessio et al., (2015) examined the impact of Hawaii’s 1998 law on repeat offending in Honolulu County. The authors measured repeat offending by coding as a “repeat offender” all individuals who were prosecuted for a felony, and also had a previous felony or misdemeanor criminal conviction. The study examined court processing data before and after passage of the “ban the box” law in 1998, to examine the bill’s impact on the number of individuals prosecuted for felonies who had previous convictions. This study found that passage of the “ban the box” law lowered the odds of repeat offending by 57%, when controlling for other factors associated with offending.

Other research has demonstrated that the “ban the box” tactic might not be as beneficial as expected. Agan and Starr (2016) examined the impact of “ban the box” in New Jersey and in New York City, and found the implementation of the law *increased* statistical discrimination that could disadvantage black males. This study focused on applications to jobs at establishments that were suitable for individuals with limited work experience and education, such as restaurants and convenience stores. Online applications were filled out both before and after “ban the box” went into effect, using fictitious pairs of applicants (one white applicant and one black applicant). Assigning applicants with a minor felony from at least two years before (of a nonviolent drug offense or a property crime), and with no history of incarceration, this study found that among employers where “ban the box” had taken effect, “white applicants went from being 7% more likely to receive a callback than similar black applicants to being 45% more likely” (33). This research found support for Holzer et al.’s (2006) findings in that *without* criminal background checks, employers were more likely to discriminate against minority

applicants. Further research is needed to understand the full impact – intended and unintended – of “ban the box” laws.

A final avenue pursued in recent years to counteract the negative effect of criminal history has been the availability of certificates of rehabilitation. Bushway and Apel (2012) discuss the use of signaling as a way for ex-offenders to demonstrate they would be reliable and productive employees. One such potentially positive signal could be transmitted through the attainment of a certificate of rehabilitation, which states that an offender has completed all necessary requirements, and has become “reformed” or “rehabilitated” since their offense. It is hypothesized that certificates of rehabilitation will allow employers to balance the information provided by criminal history with the positive information transmitted via a certificate of rehabilitation.

The Justice Reinvestment Act of 2016 in Maryland provides for the issuance of certificates of rehabilitation by the Department of Public Safety and Correctional Services, for all offenses except certain violent and sexual offenses, upon completion of all requirements of supervision. The law further instructs that these certificates of rehabilitation be given consideration by state occupational licensing and certification boards when reviewing an applicant with a criminal history. The particular process by which certificates will issued, and after what period of time, and their consideration by the relevant boards, will be specified further through implementing regulations in 2017.

## **CONCLUSIONS AND RECOMMENDATIONS**

The numerous barriers faced by individuals after having contact with the criminal justice system, and their impact on successful reentry, are increasingly the subject of empirical research.



Although much has been learned in the past decade about these issues, outside of the research on employment restrictions, most collateral consequences are rarely studied. In conducting a literature review of the research on collateral consequences and recidivism, Whittle (2016) concluded, “Currently, the evidence is mixed overall with the majority of research finding that collateral sanctions are positively associated with recidivism (i.e., increase recidivism) or have null/mixed effects (i.e., do not significantly impact recidivism up or down)” (16).

Significant uncertainty exists about the impact of collateral consequences in the context of hiring and employment, and this situation is not unique to Maryland. Below we provide four recommendations for the Workgroup to consider as it deliberates its final recommendations for policy change to reduce the impact of collateral consequences of convictions.

***Recommendation #1: Limit the consideration of certain criminal histories older than 7-10 years.***

The redemption literature discussed previously provides support for the idea that collateral consequence laws, and the consideration of criminal history in employment, can be limited in duration, particularly when an individual remains crime-free for a several year time-span, and has a limited criminal history (ideally, only one prior offense). The charge to the Workgroup is to balance the need for public safety with the need for greater, legal employment among the ex-offender community. Giving more weight to recent criminal history, versus older criminal history, is a more effective and valid use of available criminal history information about an individual.

In addition, existing provisions in Justice Reinvestment Act allow for the issuance of certificates of rehabilitation. As the Department of Public Safety & Correctional Services

implements this provision, attention should be paid to the existing research that may inform how long an individual must wait before receiving such a certificate. The success of certificates of rehabilitation will depend upon the screening process used to issue them, and the corresponding integrity of the signal they provide to those evaluating someone with a criminal history. A key, necessary condition in signaling in this instance is that obtaining a signal should be possible for desisters, but very difficult for non-desisters. Otherwise, the certificate, as a signal, would become useless over time because employers would learn that the certificate does not successfully differentiate desisters from non-desisters.

The previously discussed “redemption” literature can inform the allocation of the positive signal among the ex-offender population. In addition, the work of Kurlychek et al. (2012) found that a significant minority of offenders exhibit (what they term) “instantaneous” desistance. Their study of 972 individuals, sentenced in Essex County, NJ, during 1976-1977, and followed-up for 18 years thereafter, found that approximately 25% of their sample desisted immediately after their first sentence. Such individuals will likely make up a significant portion of certificate awardees, and the durability of their desistance over time will allow for the certificate of rehabilitation to convey a strong, positive signal.

***Recommendation #2: Use sealing or shielding instead of expungement of criminal history to counter the effects of collateral consequences.***

As discussed previously, expungement completely eliminates the criminal record as maintained by the official state repository. Expungement, however, does not entirely eliminate the ability of interested parties to discover previous arrests and convictions, due to the warehousing of criminal history records by private sector companies, as well as any information contained in media archives. Individuals may not always be aware that their criminal history

persists despite expungement, and a circumstance can result in which an applicant may attest he or she has no criminal history, but the discovery of criminal history by a prospective employer causes additional difficulty in the application process.

This destruction of this data also limits the ability of policymakers and researchers to study various topics based on criminal history records, which would diminish the ability to make evidence-based and data-driven policy changes. Furthermore, the practice of expungement also diminishes the historical accuracy of the official criminal history repository, which would likely increase the demand among employers for private sector background screening companies. A more preferable way to combat the lifelong impact of a criminal record is through sealing or shielding, which removes the record from public inspection, while allowing for criminal history to continue to be used for public safety and research purposes.

***Recommendation #3: For Maryland agencies to begin collecting, analyzing, and reporting relevant data:***

- a) From Maryland state licensing and certification boards: The number of applications received for occupational certifications and licenses, the number of applicants with a criminal history, and the number of applicants accepted and rejected with a criminal history, and
- b) From Maryland state agencies: The number of applicants for state government jobs employed despite, or rejected due to, criminal history, and follow-up data on the employment outcomes of public employees hired with a criminal history.

With regard to (a) and (b) above, retaining individual-level data about these two topics will allow more detailed study of the relationship between criminal history and an applicant's ability to successfully achieve licensure or certification. These data would provide the information needed to begin to measure the relationship between policies or practices that limit employment for ex-offenders, and the employment outcomes for offenders. These data, collected over time, would also allow measurement of any impact of collateral consequence reforms that may be enacted.

An obstacle to better understanding the particular impact of criminal justice system involvement on employment or income attainment is presented by how little is known about individual attainment prior to criminal justice system involvement. Knowing such information would help identify specific mechanisms about how, and to what extent, criminal justice system involvement disrupts successful re-entry.

In Maryland, for a more comprehensive understanding of the educational, employment, and income histories and trajectories of the ex-offender population, data from the Maryland Longitudinal Data System (MLDS) may be usefully consulted (<https://mldscenter.maryland.gov/>). The MLDS collects, in a linked data warehouse, individual records about educational attainment, labor and workforce participation, and income for the entire population of Maryland. Studying the available MLDS data for a sample of offenders would allow for a rare understanding of the income and employment trajectories of the ex-offender population, both before and after contact with the criminal justice system, and would help illuminate the particular role of collateral consequences in employment outcomes.

***Recommendation #4: For Maryland state agencies to publish more information and guidance -- addressed to potential certification/license applicants and employment applicants -- about what types of criminal history, and the "age" of criminal history, that will be considered in applicant evaluation and hiring.***

Licensing and certification boards retain significant discretion in evaluating applicant backgrounds, and assessing the suitability of applicants for particular professions. Beyond state level regulations, certain professions are also subject to federal guidelines and standards for determining applicant eligibility.

Making available any summary statistics that arise from the data collection described in Recommendation #3 would help reduce the considerable uncertainty that exists among applicants regarding the likelihood of success in pursuing certifications/licenses and employment opportunities. It may be the case that applied discretion in the reviewing and hiring process currently produces more success among applicants with a criminal history than is commonly understood (alternatively, it may be the case that such success is exceedingly rare). Currently, though, nothing is known, one way or the other. It may also help to overcome the anticipated reactions of ex-offenders, who may be discouraged from applying in the first instance, to provide illustrative, narrative examples of individuals who, despite having a criminal history, still achieved licensure/certification, or direct employment with the state.

Finally, this recommended information and guidance about available occupations may also prove useful to the Department of Public Safety & Correctional Services, as it may guide that agency in aligning educational and vocational programming with viable employment opportunities for prisoners and supervisees upon release.

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## APPENDIX A: REDEMPTION STUDIES

Study	Methodological Details	Crime Type	Time to Redemption
Kurlychek et al. (2006)	<ul style="list-style-type: none"> <li>Philadelphia 1958 cohort</li> <li>Followed through age 26</li> </ul>	Compared violent and nonviolent offenders	At no point in follow-up period (through age 26) were offender and non-offender groups indistinguishable, although the difference is small and decreases over time
Kurlychek et al. (2007)	<ul style="list-style-type: none"> <li>Racine, Wisconsin, 1942 cohort</li> <li>15-year follow-up</li> </ul>	N/A	Approximately 7 years
Blumstein & Nakamura (2009)	<ul style="list-style-type: none"> <li>Individuals whose first arrest was in 1980 in New York</li> <li>27-year follow-up</li> <li>Offense type and age at first arrest</li> <li>Redemption times compared to the general population</li> </ul>	Robbery	First arrest at 16: 8.5 years First arrest at 20: 4.4 years
		Burglary	First arrest at 16: 4.9 years First arrest at 20: 3.2 years
		Aggravated Assault	First arrest at 16: 4.9 years First arrest at 20: 3.3 years
		N/A	Oldest and Youngest categories: Aged 12-16 with no convictions: 16 years Aged 12-16 with 1 conviction: 18 years Aged 12-16 with 2/3 convictions: 23 years Aged 12-16 with 4-7 convictions: 24 years Aged 12-16 with 7+ convictions: Never
Bushway et al. (2011)	<ul style="list-style-type: none"> <li>Dutch sample convicted in 1977 compared to non-offender sample</li> <li>25-year follow-up</li> <li>Age at conviction and number of previous convictions</li> </ul>	N/A	Older than 47 with no convictions: 2 years Older than 47 with 1 conviction: 6 years Older than 47 with 2/3 convictions: 7 years Older than 47 with 4-7 convictions: 15 years Older than 47 with 7+ convictions: Never





# **Final Report of the Collateral Consequences Workgroup**

**Appendix D – Report of Stakeholder Feedback to the  
Workgroup**



## Collateral Consequences of Convictions Workgroup Report of Stakeholder Feedback to the Workgroup

In addition to criminal penalties that may be imposed at sentencing, there are many legal and regulatory penalties, sanctions, and restrictions—commonly known as collateral consequences—that are distinct from the direct consequences imposed as part of the court’s judgment at sentencing. For example, those with a criminal record may lose their professional or occupational licenses. They may have difficulty getting a job, starting a business, accessing public services and programs such as student loans and housing, or volunteering in the community. While these consequences are often discussed within the context of re-entry from incarceration, they can also affect those who serve no prison time.

According to the American Bar Association’s National Inventory of Collateral Consequences of Conviction, there are over 1,000 collateral consequences associated with various criminal convictions in Maryland. This effort will build upon the work of the Justice Reinvestment Coordinating Council, a group organized to develop recommendations to further decrease the State’s prison population, reduce recidivism, and control corrections spending.

In its review, the Governor’s Office of Crime Control & Prevention will appoint a working group of state agencies, including the Departments of Public Safety and Correctional Services and Labor, Licensing and Regulation among others, nonprofits, advocacy groups, ex-offenders, and the business community. The workgroup will gather input on the impact of collateral consequences, research potential reforms, and formulate recommendations on how to address the issue. The study will identify those restrictions that appear to serve as an unnecessary barrier to the successful reintegration of ex-offenders. The study will culminate in recommendations to Governor Hogan by December 1, 2016.

The Collateral Consequences of Convictions Workgroup was required to host stakeholder meetings in order to hear testimony from the public. Such stakeholder advisory meetings were held September 15, 2016, in Annapolis, and October 14, 2016, in Baltimore. At each convening, stakeholders with an interest in criminal justice reform in Maryland provided remarks for the Workgroup’s consideration. What follows is a summary of those remarks, submitted to Workgroup members for their consideration as they work to develop a statewide framework of sentencing and corrections policies. In addition to providing spoken testimony, some individuals submitted written testimony or handouts, which are provided in an appendix with corresponding endnotes.

First Stakeholder Convening, September 15, 2016 Annapolis, Maryland		
Participant	General Information	Policy Recommendations
Marsha Netus and Scott Espenscheid, America Works <sup>1</sup>	<ul style="list-style-type: none"> <li>Help the reentry population get back to work through a program that teaches necessary skills to retain employment</li> <li>Staff helps individuals to find work opportunities and support them for the first 6 months of employment</li> </ul>	<ul style="list-style-type: none"> <li>Focus on best practices</li> <li>Create system of internal funding</li> <li>Create incentive programs for employers</li> </ul>

<b>Juan Arvelo, Families Advocating Intelligent Registries<sup>11</sup></b>	<ul style="list-style-type: none"> <li>• Original intent of sex offender registry was to track high-risk predatory sex offenders</li> <li>• Many registrants are low risk and there is no reason to alarm the public with low risk citizens in the public registry</li> </ul>	<ul style="list-style-type: none"> <li>• Moving tier one registry to a non-public registry – only viewed by law enforcement</li> <li>• Certificate of rehabilitation should be extended to protected employers and landlords from employment and housing liability</li> </ul>
<b>Lauren Lipscomb, State's Attorney's Office of Baltimore City</b>	<ul style="list-style-type: none"> <li>• Conviction integrity unit in Baltimore City provides a path for the criminal defendant who is actually innocent to have their conviction revisited</li> <li>• Staff the violation of probation dockets, process expungement and shielding petitions, and review convictions</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Wayne Di Pietrantonio</b>	<ul style="list-style-type: none"> <li>• A re-entering citizen after 31 years</li> <li>• Personal experience with the parole board has shown the flaws of the system, such as taking off days from work to visit parole officer is a detriment to employment</li> <li>• Owes his success to KYROS</li> <li>• Finding a job and housing is great, but there is a much deeper level of needing people to listen</li> </ul>	<ul style="list-style-type: none"> <li>• Revise the parole board</li> </ul>
<b>Frieda Robinson-Dawkins, David McDonald, and Anees Abdul-Rahim</b>	<ul style="list-style-type: none"> <li>• Need a job and place to live immediately after re-entry</li> <li>• Emotionally and intellectually set back and it is hard to find a normalcy</li> <li>• Military personnel aren't allowed to come back from war without a debriefing, so prisoners held for decades long should not be leaving without help</li> </ul>	<ul style="list-style-type: none"> <li>• Address emotional aspect that the nature of prison creates in individuals</li> </ul>
<b>Kimberly Haven, Catalyst Collaborative</b>	<ul style="list-style-type: none"> <li>• Released with nothing</li> <li>• Focus on jobs and housing</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Christopher Irvan, Lazarus Right</b>	<ul style="list-style-type: none"> <li>• It is legal discrimination – discriminating against a person for having a criminal record and conviction</li> <li>• Condition of parole and probation is to work and with work comes paying taxes, but an individual is not allowed to vote, serve on a jury, or possess a firearm</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>



**Second Stakeholder Convening, October 14, 2016**  
**Baltimore, Maryland**

Participant	General Information	Policy Recommendations
<b>Brian Lewis, Uniform Law Commission<sup>iii</sup></b>	<ul style="list-style-type: none"> <li>Provides states with a process whereby defendants are both notified of indirect penalties that may attach to their convictions and have an opportunity for partial relief from those penalties when appropriate</li> <li>Vermont has enacted the Act, North Carolina has enacted the inventory portion</li> <li>The Act has bracketed language to give states the option of which crimes the certificate of rehabilitation applies to, and giving the option for felonies to be include provides larger relief for reentering citizens</li> <li>High rate of recidivism when there are not a lot of things in place to adjust and become successful members of society</li> </ul>	<ul style="list-style-type: none"> <li>Adopt the Uniform Collateral Consequences Conviction Act</li> </ul>
<b>Amol Sinha, Innocence Project<sup>iv</sup></b>	<ul style="list-style-type: none"> <li>Psychological and economic harms of feeling out of step and unable to meet expectations after reentering society</li> <li>Don't have professional guidance through parole and probation</li> <li>Need a framework to provide wrongfully convicted individuals with immediate and long term services to help individuals with reintegration</li> <li>20-30 wrongful convictions in the State of Maryland and of those exonerations, only 1 has received compensation</li> </ul>	<ul style="list-style-type: none"> <li>Maryland has a compensation law but it is lacking:               <ul style="list-style-type: none"> <li>(1) Only state that requires a full gubernatorial pardon that individual was innocent of crime</li> <li>(2) Board of Public Works determines how much money an individual receives – no uniformity in application</li> <li>(3) Any money received has strict limitations on how it can be spent, which disincentivizes lawyers from helping</li> <li>(4) Doesn't provide any assistance in job training, educational assistance</li> </ul> </li> </ul>
<b>Linda Dworak, Baltimore Workforce Funders Collaborative<sup>v</sup></b>	<ul style="list-style-type: none"> <li>There are great organizations throughout the State that need more resources and better connections to provide a full range of services to help individuals straighten out their background</li> <li>Unfair use of arrest records – arrest without conviction shouldn't be able to be accessed and viewed</li> </ul>	<ul style="list-style-type: none"> <li>Establish “look back” guidelines</li> <li>Consider the fundamental principle of innocent until proven guilty</li> <li>Banning the box on licensure applications</li> <li>Review and recommend policies that ensure</li> </ul>

		the accuracy and proper content of background information provided through Case Search
<b>Angela Davis<sup>vi</sup></b>	<ul style="list-style-type: none"> <li>• Barriers to successful reentry starts inside of the judicial system</li> <li>• Most people incarcerated are for nonviolent crimes and have low economic status</li> <li>• Lack of resources, education, job training, mental health and substance abuse treatment</li> <li>• All should be address while in prison</li> <li>• A job doesn't matter if there isn't a correct diagnosis, medical insurance</li> <li>• When does something committed in 1993 stop affecting current life</li> </ul>	<ul style="list-style-type: none"> <li>• Prior to release an individual should be provided with: a birth certificate, social security card, state ID, medical insurance, prescheduled doctor's appointments, access to internet, bus fare</li> </ul>
<b>Martin Schwartz, Vehicles for Change</b>	<ul style="list-style-type: none"> <li>• Program to provide job training, only 12 positions in the program and there are 12,000 inmates</li> <li>• Need to invest more money into training programs behind the fences to give them an opportunity to get a job when they come out</li> <li>• VFC pays them per week immediately out of prison</li> </ul>	<ul style="list-style-type: none"> <li>• Parole process is a huge inhibitor for getting jobs:</li> <li>• (1) Have to pay for the process</li> <li>• (2) Visit more than one time a week and employer finds that hard to work with</li> <li>• (3) Have to find transportation to make the meeting</li> </ul>
<b>Lifebridge Health representing Sinai Hospital</b>	<ul style="list-style-type: none"> <li>• Works with youth mentoring to catch children before they get involved with gangs and violence and connect with resources</li> <li>• Violence intervention program to overcome barriers of employment, food, and housing</li> <li>• Target population is 19-25 year olds located in Park Heights</li> <li>• Recruit individuals who are victims of violence and are admitted to the trauma department</li> <li>• Provide individuals with 6-10 week internships at the hospital</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Toni Holness, ACLU</b>	<ul style="list-style-type: none"> <li>• This is a race issue – more likely to be arrested, more likely to be convicted, and more likely to face longer sentences</li> <li>• If one convictions isn't eligible for expungement, then none of the convictions are eligible</li> <li>• Take on expanded educational opportunities</li> <li>• No centralized system regarding reentry metrics</li> </ul>	<ul style="list-style-type: none"> <li>• Partial expungement</li> <li>• Expungement fairs</li> <li>• Collect expungement data</li> <li>• Limited "look back" period</li> </ul>

<b>Lauren Lipscomb, State's Attorney's Office of Baltimore City</b>	<ul style="list-style-type: none"> <li>• Resources that are lacking in this unique category of those that have been exonerated</li> <li>• Estimate anywhere from 1-4% are innocent individuals</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Ronald Stanley<sup>vii</sup></b>	<ul style="list-style-type: none"> <li>• Provided written testimony</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Elizabeth Smith, Prisoner Advocacy and Re-entry support project of UMD<sup>viii</sup></b>	<ul style="list-style-type: none"> <li>• Provided written testimony</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>



# Appendix – Provided written testimony or handouts

<sup>i</sup> Marsha Netus, AmericaWorks



## The Baltimore Ex-Offender Reentry Employment Program



### Referral Sources



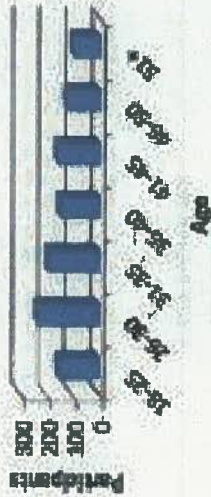
### Summary

- Of 1156 participants enrolled
- 1017 successfully completed training
- 88% graduation rate
- Graduated 141 training classes

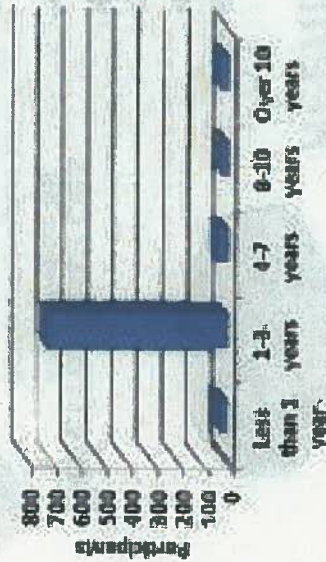
### Participant Demographics

- 82% male, 17% female, Transgender 1%
- 5% of participants enrolled are under The Violence Prevention Unit.

## Age of Participants



## Time Incarcerated



## Criminal History

- 83% of participants have a felony conviction
- Average participant has 2 felonies and 3 misdemeanor convictions

## Recidivism Rate

- 9% recidivism rate for those placed in employment
- 17% recidivism rate for those completing training

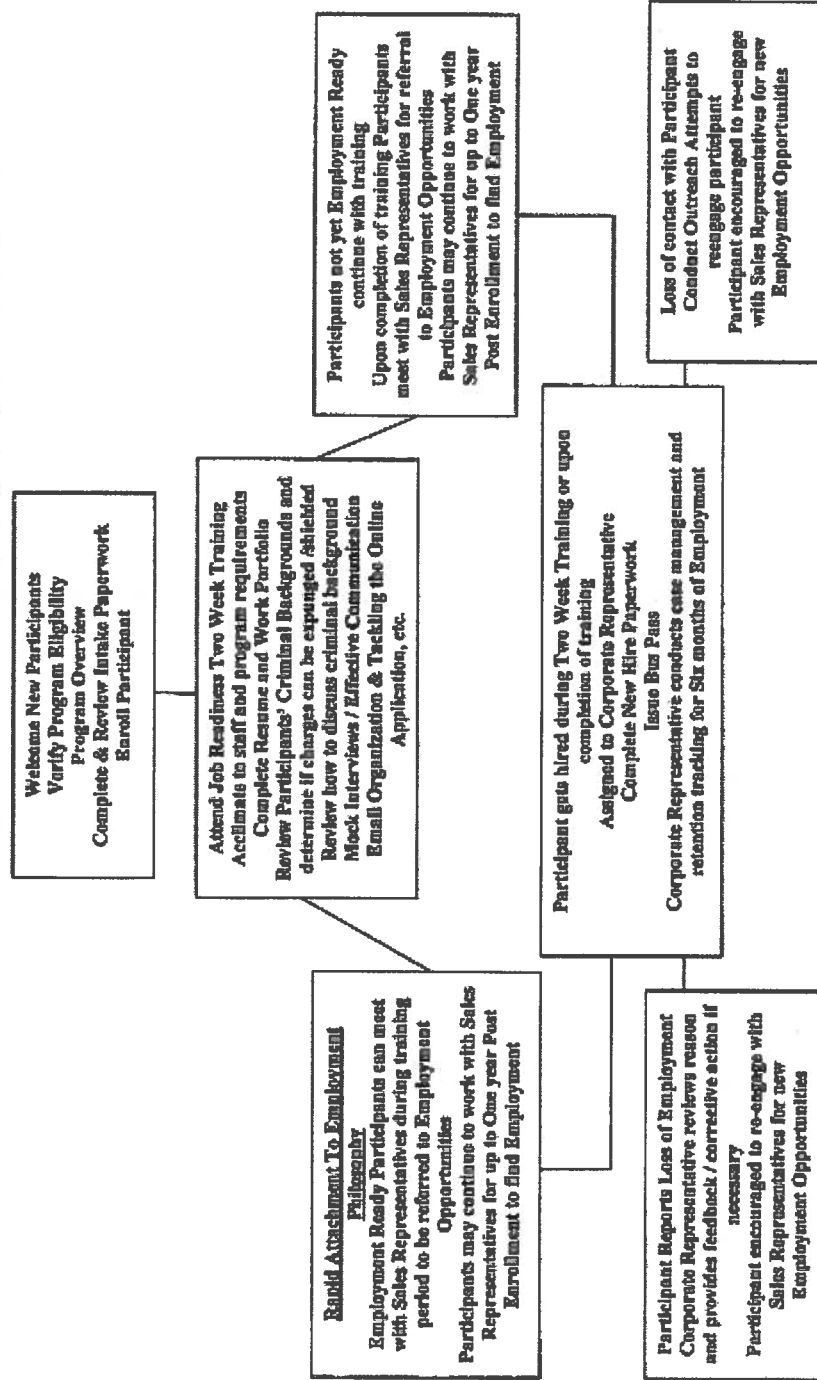
## Employment

- 58% of graduates were placed into employment
  - Several have received raises within a six month period.

## Retention Status

- 85% reached 30 days of employment
- 71% reached 90 days of employment
- 56% reached 180 days of employment
- Average wage is \$9.60

# **WorkFirst Foundation BERE Program Flow Chart**







## The Baltimore Ex-Offender Reentry Employment (BERE) Program

To qualify for this program you must:

- 1) Have been incarcerated for 1 year or more
- 2) Be 18 years of age or older
- 3) Baltimore City Resident

**If you meet these qualifications,  
CALL NOW spaces are limited!!**

**Scott Espenscheid**  
**(410) 625-9675 ext. 1016**  
**[sespenscheid@americaworks.com](mailto:sespenscheid@americaworks.com)**

## ii Juan Arvelo Families Advocating Intelligent Registries



### Why so many Registrants?

- Registry based on offense; not on risk assessment or sentence length (low-risk/recklessness included)
- Prosecutors do not need to prove criminal intent
- Taking plea to avoid incarceration
- Ignorance of age/laws/collateral consequences—
- Mandatory min. sentence (Judges' hands are tied)
- Retroactive increases in registry after paying debt
- Ex-offender remains in registry after paying debt to society (way beyond probation and parole)

### SO Registry Background

- Original intent of sex offender (SO) registry was to track high-risk predatory sex offenders
- Now, registry has bloated to include all manner of non-contact, non-violent, or non-sexual crimes like:
  - Misleading words, domain names, or digital images on the Internet
  - Sex between correctional officers and inmates
  - Failure to file fastest statement about an alien
  - Unknowingly possessing child pornography
  - Engaging in illicit conduct in foreign places
  - Indecent exposure/public urination
  - Teen sexting; Romance & Juliet relationships

### MD Registrants by Classification

• Tier III - Life:	4819
• Tier II - 25 years:	690
• Tier I - 15 years:	740
• 10 Years Registrants:	539
• MD Public Juveniles:	1
• Undetermined:	4
• Total:	6793

- As of 8 August 2016

### Public Sex-Offender Registry Employment & Housing Issues

- Initial step of most employers & landlords is to "Google" applicant's name
- Qualified applicants not considered due to liability & reputation concerns
- Otherwise productive registrants may be forced into unemployment/homelessness
- However, registry is conviction-based; not based on risk assessment
- Consequently, many registrants are low-risk (i.e., low recidivism) to public safety.

### Suggested Fact-Based Solutions To Include In Gov. Hogan's Report

No need to alarm the public with low-level/risk citizens in public registry

1. Form Law Enforcement Only (LEO) registry to address reputation concern
2. Extend Certificate of Rehabilitation (CoR) to protect employers/landlords from employment/housing liability







Brian Lewis



**Uniform Law Commission**  
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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## WHY YOUR STATE SHOULD ADOPT

### THE UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT

The Uniform Collateral Consequences of Conviction Act (UCCOCA) provides states with a process whereby defendants are both notified of indirect penalties that may attach to their convictions, and have an opportunity for partial relief from those penalties, when appropriate. Criminal convictions frequently carry not only a prison sentence or fine, but also result in numerous disqualifications or legal disabilities ("collateral consequences"), such as bars to professional licenses and government housing, making it difficult for a person to successfully reenter society. The UCCOCA provides guidance to the collection, notification, and authorization of collateral consequences, and further provides options for relief from those collateral consequences. States should adopt the UCCOCA for the following reasons:

- **Fairness** – By requiring that defendants be notified about collateral consequences at important points in their case, the UCCOCA produces a fair and just criminal justice system.
- **Ensures Competent Representation** – By requiring a defendant be notified of collateral consequences at various points in his or her case, and by instructing the courts to confer with the defendant that he or she has been so advised, the UCCOCA helps to ensure a defendant is represented by constitutionally competent counsel.
- **Clarity** – The UCCOCA requires all collateral consequences contained in a state's laws and regulations, and provisions for avoiding or mitigating them, be collected in a single document. Furthermore, collateral sanctions must be authorized by statute, limiting the confusion that may result from sanctions imposed by ordinance, policy, or administrative rule without notice to the public.
- **Successful Reentry** – The UCCOCA removes barriers, when appropriate, to successful and productive reintegration for ex-offenders. The act creates relief for ex-offenders as early as the sentencing phase to facilitate reentry and when an individual has demonstrated law-abiding conduct for a certain period of time.
- **Discretionary Relief** – The UCCOCA allows a court or agency to remove a collateral sanction's automatic bar. A licensing agency, public housing authority, or the like, would then be free to consider whether to disqualify a particular individual on the merits.
- **Reward Rehabilitation** – The UCCOCA allows an individual to seek general restoration of his or her rights after a period of time has passed, so long as that the individual has adhered to the law during that time and granting the certificate would not pose an unreasonable public safety risk.

For further information about the UCCOCA, please contact ULC Legislative Counsel, Brian Lewis, at (312) 450-6619 or [blewis@uniformlaws.org](mailto:blewis@uniformlaws.org).

The ULC is a nonprofit formed in 1892 to create nonpartisan state legislation. Over 350 volunteer commissioners—judges, judges, law professors, legislative staff, and others—work together to draft laws ranging from the Uniform Commercial Code to such as property, trusts and estates, family law, criminal law and other areas where uniformity of state law is desirable.

## THE UNIFORM COLLATERAL CONSEQUENCES OF CONVICTIONS ACT

### - A Summary -

Concern about the impact of collateral consequences has grown in recent years as the numbers and complexity of these consequences have mushroomed and the U.S. prison population has grown. Collateral consequences are the penalties, disabilities, or disadvantages imposed on a person as a result of a conviction of an offense. Examples of collateral consequences include the denial of government issued licenses or permits, ineligibility for public services and public programs, and the elimination or impairment of civil rights. A real concern exists on a societal level that collateral consequences may impose such harsh burdens on convicted persons that they will be unable to reintegrate into society.

Judges and lawyers are frequently unaware of collateral consequences that will likely have a substantial impact upon a defendant. Few jurisdictions provide a reliable way of avoiding or reducing these collateral sanctions based solely on conviction even years after the fact. Even fewer give decision-makers useful guidance in applying discretionary disqualifications on a case-by-case basis, or a measure of protection against liability. Jurisdictions are frequently at a loss about how to treat relief granted by other jurisdictions.

The Uniform Collateral Consequences of Conviction Act (UCCOCA) is an effort to improve public and individual understanding of the nature of this problem and, in appropriate circumstances, to provide partial relief from these disabilities to people who suffer from them. The UCCOCA requires all collateral consequences contained in state laws and regulations, and provisions for avoiding or lessening them, be collected in a single document. This document must include both collateral sanctions (automatic bars) and disqualifications (discretionary penalties). In fulfilling their obligations under the UCCOCA, jurisdictions will be assisted by the federally-financed effort to compile collateral consequences for each jurisdiction, which was authorized by the Court Security Act of 2007.

The UCCOCA also mandates that defendants must be notified about collateral consequences at important points in a criminal case:

- 1) At or before formal notification of charges, so a defendant can make an informed decision about how to proceed;
- 2) At sentencing; and
- 3) When leaving custody, so that a defendant can believe and conduct themselves in accordance with the law.

The act further states that trial courts must confirm that the defendant has received and understood the notice of collateral consequences and had an opportunity to discuss them with defense counsel.



The UCCOCA also provides standards for disqualifications. A decision-maker will be able to retain the ability to disqualify a person based on a criminal conviction, but only if it is determined that based on individual assessment, the essential elements that a state must prove in order to prove that a person is guilty of a crime; or the particular facts and circumstances involved, are substantially related to the benefit or opportunity at issue.

Under the UCCOCA, convictions that have been overturned or pardoned, including convictions from other jurisdictions, may not be the basis for imposing collateral consequences. Charges dismissed pursuant to deferred prosecution or diversion programs will not be considered a conviction for purposes of imposing collateral consequences. The act gives jurisdictions a choice about whether to give effect to other forms of relief granted by other jurisdictions based on rehabilitation or good behavior.

The act creates two different forms of relief, one to be available as early as sentencing in order to facilitate reentry (Order of Limited Relief) and the other after a period of law-abiding conduct (Certificate of Restoration of Rights). An Order of Limited Relief permits a court or agency to lift the automatic bar of a collateral sanction, leaving a licensing agency or public housing authority, for example, free to consider whether to disqualify an individual based on the facts and circumstances at issue. A Certificate of Restoration of Rights offers potential public and private employers, landlords and licensing agencies, concrete and objective information about an individual under consideration for an opportunity or benefit, and a degree of assurance about that individual's progress toward rehabilitation. A Certificate of Restoration of Rights will thereby facilitate the reintegration of individuals whose behavior demonstrates that they are making efforts to behave in accordance with the law.

The UCCOCA is largely a procedural act, designed to rationalize and clarify policies and provisions that are already widely accepted in many states. The act is vital to creating judicial fairness and providing an opportunity for convicted individuals to reintegrate themselves into society.

For further information about the UCCOCA, please contact ULC Legislative Counsel, Brian Lewis, at (312) 450-6619 or [blewis@uniformlaws.org](mailto:blewis@uniformlaws.org).

#### A Few Facts about

### THE UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT (2015)

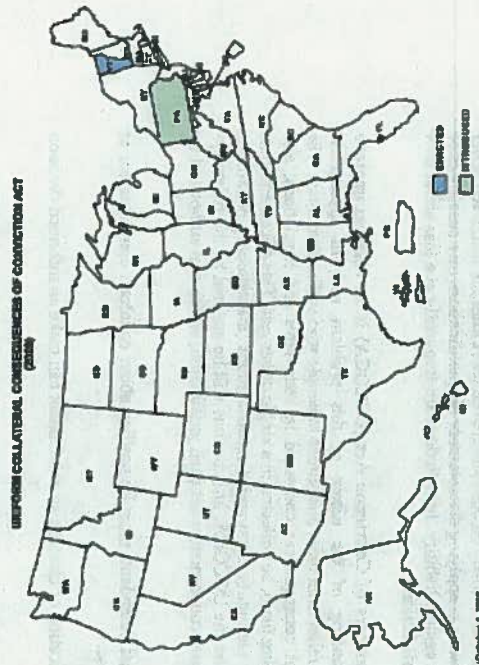
#### PURPOSE

The Uniform Collateral Consequences of Conviction Act (UCCOCA) addresses the penalties and disqualifications that individuals face related to criminal sentencing. The act's provisions are largely procedural, and are designed to rationalize and clarify widely accepted policies and practices.

#### ORIGIN

Completed by the Uniform Law Commission in 2009. Targeted since 2015.

#### ENACTED BY:



April 23, 2010

WILLIAM, HENNING, GUNDEL & JEE  
(312) 988-5160  
FAX: (312) 988-5153

Mr. John A. Sebert  
Executive Director  
National Conference of Commissioners on Uniform State Laws  
Suite 1010  
111 N. Wabash Avenue  
Chicago, IL 60602

RE: Uniform Collateral Consequences of Conviction Act

Dear Mr. Sebert:

At the meeting of the House of Delegates of the American Bar Association held February 8-9, 2010, the enclosed resolution was adopted upon recommendation of the National Conference of Commissioners on Uniform State Laws. Thus, this resolution now states the official policy of the Association.

We are transmitting it for your information and whatever action you think appropriate. Please advise if you need any further information, have any questions or if we can be of any assistance. Such inquiries should be directed to the Chicago office.

Sincerely yours,

  
Hon. Bernice B. Donald, Secretary

BBD/apb  
Enclosure

cc: Robert A. Stein      John A. Sebert  
Robin K. Roy          R. Larson Frisby



## COMPENSATING THE WRONGFULLY CONVICTED

### The Punishment Continues After Incarceration...

Those proven to have been wrongfully convicted through post-conviction DNA testing spend, on average, more than 14 years behind bars. The agony of prison life and the complete loss of freedom are only compounded by the feelings of what might have been, but for the wrongful conviction. Deprived for years of family and friends and the ability to establish oneself professionally, the nightmare does not end upon release. With no money, housing, transportation, health services or insurance, and a criminal record that is rarely cleared despite innocence, the punishment lingers long after innocence has been proven. States have a responsibility to restore the lives of the wrongfully convicted to the best of their abilities.

### Why Should a State Compensate the Wrongfully Convicted?

Despite their proven innocence, the difficulty of reentering society is profound for the wrongfully convicted; the failure to compensate them adds insult to injury. Society has an obligation to promptly provide compassionate assistance to the wrongfully convicted in the following ways:

- ✓ **Monetary Compensation, Based Upon a Set Minimum Amount For Each Year Served**
- ✓ **Provision of Immediate Services, including:**
  - Financial support for basic necessities, including subsistence funds, food, transportation;
  - Help securing affordable housing;
  - Provision of medical/dental care, and psychological and/or counseling services;
  - Assistance with the development of workforce skills; and
  - Legal services to obtain public benefits, expunge criminal records, and regain custody of children.

### ✓ **Official Acknowledgment of a Wrongful Conviction**

Conceding that no system is perfect, the government's public recognition of the harm inflicted upon a wrongfully convicted person helps to foster his healing process, while assuring the public that the government – regardless of fault – is willing to take ownership of its wrongs or errors.

### Do All States Have Compensation Statutes?

The federal government, the District of Columbia, and 31 states have compensation statutes of some form. The following 20 states do not: Alaska, Arizona, Arkansas, Delaware, Georgia, Idaho, Indiana, Kansas, Kentucky, Michigan, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wyoming.

Barry C. Scheck, Esq. and Peter J. Neufeld, Esq., Directors Muddy del One, Esq., Executive Director  
40 Worth Street, Suite 701 • New York, NY 10013 • Tel: 212/364-5340 • Fax: 212/364-5341



### What Are Common Shortcomings in Existing Legislation?

- **Refusing to enact uniform, statutory access to wrongful conviction compensation.** Some states opt to compensate the wrongfully convicted only via "private compensation bills." This approach: politicizes compensation based on the individuals and policymakers involved; requires exonerates to mount costly and demanding political campaigns; and threatens to deny appropriate – or any – compensation to those who truly deserve it.
- **Prohibiting compensation to those deemed to have "contributed" to their wrongful convictions.** This denies justice to those who were coerced, explicitly or implicitly, into confessing or pleading guilty to crimes it was proven they did not commit.
- **Denying the additional remedy reserved by those who can prove their wrongful convictions resulted from patient and intentional civil rights violations, as opposed to simple error.**
- **Preventing the compensation of individuals with unrelated, felony convictions.**

### What Can Be Done to Ensure Fair Compensation in Every State?

By guaranteeing compensation to the wrongfully convicted, a state can take an important step towards ensuring the integrity of its criminal justice system.

- **States that do not have compensation statutes must pass them and states that have compensation statutes must reexamine them to ensure they make compensation equally attainable and adequate for the wrongfully convicted.**
- **Statutes should include either a fixed sum or a range of recovery for each year spent in prison.** President George W. Bush endorsed Congress's recommended amount of up to \$60,000 per year, with up to an additional \$60,000 for each year spent on death row. (These figures should be adjusted for inflation.)
- **Statutes should include the immediate provision of subsistence funds and access to services critical to a successful return to society, including housing, food, psychological counseling, medical and dental care, job skills training, education, and other relevant assistance needed to foster the successful rebuilding of the lives of the wrongfully convicted.**
- **Statutes should not contain the provisions noted in the "Common Shortcomings in Existing Legislation" section above.**

### Case in Point: Compensation in Florida

In 2004, Floridian Wilton Dedge was exonerated after having been forced to spend 22 years in prison for a rape and burglary that he did not commit. Upon his release from wrongful imprisonment, however, Mr. Dedge was entitled to absolutely nothing from the state. Mr. Dedge's lawsuit against the state was dismissed by the trial court. His only alternative to the courts was to seek a private compensation bill from the legislature. Despite the public outcry over the injustice he had suffered, the legislature initially refused to pass the "private bill" necessary to compensate him. (Florida did eventually pass a private bill for Mr. Dedge and in 2008, passed a universal statute, obviating the need for the extraordinary advocacy that was needed for Mr. Dedge.) Having to convince the legislature of the need for compensation makes it a political issue, and successfully suing in court presents a new set of legal and financial obstacles to the wrongfully convicted – when compensation should be a simple issue of justice. There is simply no question that when an innocent person has had his life stripped from him only to endure the horror of prison, justice demands that the individual be compensated for the harm suffered. States should adequately and promptly provide justice and restoration to the wrongfully convicted through a standard, navigable, and just process.

# **Linda Dworak, Baltimore Workforce Funders Collaborative**

**The Baltimore Workforce Funders Collaborative**  
*Partnering to Build a Stronger Workforce*

## **Workgroup on Collateral Consequences of Convictions' final stakeholder meeting**

Frederick Douglass-Lease Myers Maritime Park Museum, Founders Room, 1417 Thames Street, Baltimore, MD 21201

Friday, October 14, 1 – 3 p.m.

Good Afternoon Members of the Workgroup, my name is Linda Dworak and I am the Director of the Baltimore Workforce Funders Collaborative. I also help staff a collective impact initiative focused on workforce issues in Baltimore called the Baltimore Integration Partnership. Both projects reside at the Association of Baltimore Area Grantmakers- representing more than 140 members and the vast majority of institutional giving in our area.

The Workforce Funders Collaborative brings investors in workforce development together to learn about and support and sustain effective strategies for connecting more Baltimore City residents to quality employment while helping businesses to identify the talent they need. The Baltimore Integration Partnership is a collective impact initiative of fourteen educational and healthcare institutions (anchor institutions) as well as funders, nonprofits and public organizations focused on establishing economic inclusion as the business culture norm in the Baltimore region. The goal of the BIP is to create job opportunities for lower income Baltimore City residents through local and minority hiring and purchasing. For both the Workforce Funders Collaborative and the Baltimore Integration Partnership, the challenges related to barriers to employment for returning citizens and individuals with a criminal background is a primary concern. This is an issue that impacts individual job seekers, their families, and the communities in which they live. This is also an issue of great importance to employers who need access to talent and want to hire from the neighborhoods where they are located and where they provide services and conduct business.

The Baltimore Workforce Funders Collaborative supports a number of local non-profit workforce development providers that train and place individuals into jobs in high priority industry sectors such as healthcare, manufacturing, port jobs, construction, solar installation and biotechnology. Most of these are also a part of the EARN Maryland Industry Partnership program administered by the Department of Labor, Licensing and Regulation (DLLR). By design, they work in close partnership with employers to develop, design and administer training programs that are effective in placing individuals into jobs. The programs supported by our Collaborative have exemplary completion and job placement rates which compare very favorably against national averages for workforce development initiatives despite the fact they are serving high percentages of individuals with criminal backgrounds, low educational attainment, and limited formal work experience. With support, these programs have the potential to do more for Baltimore residents with arrest and conviction backgrounds.

Good workforce programs understand the need to be accountable to participants who are asked to dedicate extensive time and effort to rigorous training programs as well as to their employer partners. They advocate for jobsseeker constituents, but they are also careful not to set anyone up for failure and they must allocate scarce resources wisely. For this reason, they adopt screening processes that help them identify the right candidates for their programs. If a workforce program believes that an individual will be barred from licensure or employment after training, they may decline application for enrollment. As a result, many jobsseekers with criminal backgrounds don't even get in the door to the essential training that could put them on a pathway to employment.

A group of high performing workforce programs has recently come together to discuss their own screening processes with regard to the enrollment of individuals with arrest and conviction records. They are asking employers to consider providing greater clarity and transparency about the types of offenses and the length of time since they occurred that preclude employment. Many employers, in seeking to comply with non-discrimination laws and policies, consider an applicant's background on a "case by case" basis. This practice, while meant to be inclusive, can have the unintended consequence of leaving workforce programs and jobsseekers in the dark about the opportunities that may be available to them. Applicants who do have a background can be confused about how to fill out job applications or answer questions about their record. Jobsseekers don't always know whether to mention or how to explain offenses that took place in the distant past, were expunged or are expungeable, or arrest records that did not result in a conviction. And they don't know where to look for the jobs that might be available to them. Coaching is needed for job applicants to help guide and encourage them through these varying processes.

While the individual assessment may create some confusion for jobsseekers and trainers, there is certainly an upside. Many high-road employers tell us that they carefully consider the nature of offenses and the date when they occurred. They may ignore arrests that did not result in conviction or look past misdemeanors that are often expungeable. Recognizing ample evidence that, after a period of time, past convictions are not an indicator of risk of future crime, many employers limit "look back" periods. State legislation passed in 2013 replaced the lifetime ban on employment in licensed Maryland casinos for some ex-offenders with a seven year limitation, setting a model for other occupational sectors.

Unfortunately, the extent of these inclusive hiring practices are sometimes narrowed by the practices of licensing boards that can deny mandatory licenses to individuals with no regard to the date of the crime or consideration of the nature of that which appears in a case search. While Ban the Box has transformed the job application process in Baltimore City posturing employers to consider the merit and experience of a job applicant first, we understand that some licensing boards still use the check-off box as an initial screening mechanism. We also have been told that an arrest with no conviction can forever ban an individual from licensure for some occupations in Maryland. Given what the recent US Department of Justice report revealed about discriminatory arrest practices in Baltimore and that in the United States, we are all innocent until proven guilty, this practice is unacceptable.

Another issue that this workgroup may consider is the source and accuracy of information that is used by employers and licensing boards to make decisions. In considering job applicants, many employers turn to criminal background reports prepared by for-profit commercial reporting agencies while licensing boards directly access CJIS and Case Search data. Issues with the



accuracy of both sources of information have been cited. We have heard employers tell us that the work of reading and interpreting these reports can be difficult because of the extensive set of information they include. Some human resource departments have brought on retired police officers to help interpret background reports. In a report entitled "Broken Records, How Errors by Criminal Background Checking Companies Harm Workers and Businesses" the National Consumer Law Center has reported that commercially prepared criminal background checks often contain incorrect or sealed information. These inaccuracies can have grave consequences for those seeking employment. Although commercial reporting agencies are governed by the federal Fair Credit Reporting Act (FCRA), advocates argue that the regulations and enforcement do not adequately protect jobseekers. Similarly, there have been complaints about errors in the Case Search data. It should also be noted the Case Search system, which is open to public view, presents potentially biasing information on non-convictions. While we do not have expertise on the issue of background checks or commercial reporting agencies, we believe that this may be an area of inquiry for this workgroup to consider.

Baltimore City's Ban the Box policy is not in effect in the surrounding jurisdictions where jobs are more plentiful and growing. These different application processes require different strategies for an applicant with a criminal background. In areas where Ban the Box is in effect, applicants are not prompted to disclose their background and its hidden unless prompted as part of the later stages of an application process. But in surrounding jurisdictions, the policy is not in effect and applicants, if prompted, are left to determine if honesty is the best approach or if they will get lucky. I think we need a better policy and process than luck.

As this workgroup considers recommendations, I encourage you to consider the following with regard to the practices of licensing boards:

- 1) Establish guidelines for "look back" periods for each occupation that provide a reasonable period of time during which a past conviction is relevant. Unless proven necessary and occupationally relevant, lift lifetime bans.
- 2) Considering the fundamental principle that we are all *innocent until proven guilty* and recognizing the issues raised in the US DOJ report on policing in Baltimore, review and propose ways to correct the unfair use of *arrests for which there was no conviction* as a barrier to licensure and employment.

- 3) Ban the Box on licensing applications.

- 4) Review and recommend policies that ensure the accuracy and proper content of background information provided through Case Search and commercial reporting agencies.

In the broader consideration of collateral consequences, I also encourage the workgroup to consider these additional recommendations:

- 5) Expand resources to support nonprofits that train and support individuals with criminal backgrounds. They need additional resources to expand their programs to serve more people with past convictions. Existing programs could benefit from the availability of access to legal services for their clients similar to the approach that the Baltimore Mayor's Office of Employment Development is piloting in its 1B4J program. They need

help to grow and sustain connections to legal assistance organizations that help with expungement, licensing, credit issues and other legal issues faced by participants.

- 6) Encourage and recognize employers who are ready and willing to engage and partner with nonprofits and other workforce partners to open more opportunities to the individuals they serve.
- 7) Help align strong partners who can provide mental health and addiction services, effective literacy programs, and housing and transportation assistance to workforce providers. The need help to increase coordination of efforts among a wide set of stakeholders to support individuals who often have multiple barriers to employment.
- 8) Consider ways to encourage a more transparent hiring process and policy approach enabling workforce providers and applicants to better understand hiring policies and approaches. Ban the Box in Maryland to even the playing field across jurisdictions and employers.

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Medical Center  
Dana Harrison

## THE BALTIMORE INTEGRATION PARTNERSHIP

### Who We Are

A collaborative partnership of anchor institutions, funders, nonprofits and public organizations focused on establishing economic inclusion as the business culture of norm in the Baltimore region.

### Our Premise

Anchor institutions are already central to the health and prosperity of our communities. Anchors are the region's most powerful allies, providing the strongest opportunities to advance economic inclusion and positive economic growth for local citizens and small business owners.

BIP 2.0 will support its anchor partners in developing and implementing economic inclusion policies and practices that will not only be highly impactful on its own, but also establish a proven business model applicable to other industry sectors.

### BIP 2.0 Goals for Baltimore and the region

- To connect local, small and minority-owned businesses to anchor procurement opportunities in Baltimore and the region
- To encourage and leverage anchor real estate investment for the intentional benefit of the broader community and small businesses
- To insure equitable opportunities and connect low income residents to jobs within anchors and anchor-supporting businesses

### Focus for Progress and Success

BIP collective actions are focused on the following:

- Removing barriers to facilitate the participation of local/small/minority business in anchor purchasing
- Leveraging and supporting anchor real estate investments and small business investment to intentionally maximize benefit for surrounding communities
- Removing barriers to access and training for increased hiring of local and minority residents by anchors and anchor supporting businesses
- Proving the overall business benefit of economic inclusion policy and practice, ultimately creating a model for other industry sectors to adopt

The Partnership is funded by the national Living Cities Integration Initiative and generous local support from the Annie E. Casey Foundation, The Goldwater Foundation, Associated Black Charities, The Baltimore Workforce Funders Collaborative and the Association of Baltimore Area Grantmakers (ABAG). ABAG acts as a backbone organization, coordinating and staffing the partnership.

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## The Baltimore Workforce Funders Collaborative Partnering to Build a Stronger Workforce

The Baltimore Workforce Funders Collaborative (BWFC) is a public-private partnership dedicated to advancing the labor market prospects of unemployed and underemployed Baltimore City residents while meeting the needs of our region's employers for a skilled workforce.

BWFC uses several approaches to achieve these objectives:

- **Building pathways** to well-paying jobs with career advancement possibilities in targeted industries in the Baltimore region;
- **Working closely** with employers to align programs with real industry needs for skilled workers;
- **Removing barriers** to work by improving education, skills training and support services to better prepare Baltimore's workers;
- **Analyzing** performance data and directing resources to practices and programs that demonstrate effectiveness;
- **Helping** to strengthen policies and promote systemic changes that enhance the ability of low-wage workers to advance in the local labor market; and
- **Pooled and aligned funding** to maximize the impact of philanthropic grantmaking.

### Industry Partnership Approach

BWFC provides financial and technical support to industry workforce partnerships that deliver training and education, industry-validated credentials, wrap-around support and job placement services. BWFC is engaged in six industry sectors:

- **Biotechnology:** BioTechnical Institute of MD
- **Healthcare:** Baltimore Alliance for Careers in Healthcare and the Caroline Center
- **Construction:** JOTF's JumpStart
- **Retail/hospitality/food services:** Saint Vincent de Paul of Baltimore's Next Course program and Hummiller's Baltimore Elite Service Training
- **Green/environmental industries:** The Baltimore Center for Green Careers.
- **Manufacturing:** IARC's Careers in Manufacturing
- **Transportation, Distribution and Logistics:** Cecil College and Maryland New Directions

Target industry sectors are selected based on their strength in the local economy, the availability of employment opportunities that match the skills and aspirations of un- and underemployed jobseekers and the potential for advancement along career pathways that lead to family-supporting jobs.

Through the efforts of the BWFC (2006-2015):

- 1800+ incumbent workers have participated in on-the-job career coaching
- 2800+ low-income and disadvantaged jobseekers have enrolled in certificate-based training
- 2800+ industry credentials have been awarded
- Placement rates for individual programs range between 60% - 70%
- Programs demonstrate significant wage gains at placement and job retention and wage progression over time.

### Systems Change Strategy

In order to ensure that the benefit of this work extends to greater numbers of individuals and is sustained over time, BWFC:

- Conducts coordinated measurement and evaluation;
- Engages in capacity building with workforce providers;
- Advocates for designated revenue streams and sustained public funding for industry partnerships;
- Works to strengthen relationships with the public sector, businesses and other partners; and
- Facilitates strategic alignment and collaboration with local and regional initiatives.

### Our Members

BWFC has emerged after more than a decade of work by local investors to seed and support workforce partnerships.

Members include:

- The Abell Foundation
- The Annie E. Casey Foundation
- Bank of America
- Baltimore Mayor's Office of Employment Development
- BARR Maryland (DCLA)
- Prasco-Merckel Foundation
- The Harry and Jeaneke Weinberg Foundation
- OneMain Financial
- PNC Bank
- R. W. Deutsch Foundation
- The Surdna Foundation
- Wells Fargo

BWFC is a part of the National Fund for Workforce Solutions (NFWFS), an initiative of national and local funders whose goal is the career advancement of low-wage workers using a model of employer engagement. BWFC is supported through a federal Social Innovation Fund (SIF) grant awarded to the National Fund from the Corporation for National and Community Service.

### **Collateral Consequences of Convictions Workgroup**

Barriers to Successful Re Entry into community starts inside the judicial system. Most of those incarcerated are incarcerated for nonviolent crimes, drug use/abuse and are of lower socio economic status. Our poor. Most of the barriers for any convicted persons to successfully reenter are greatly linked to poverty as resources, access to our current very limited resources and information is simply not available. Stigma of being having a conviction is also very problematic. After all we then begin to define people as their conviction; “ex - convict”, “convicted felon” versus someone who “has a felony or conviction”.

To address Reentry, I believe you have to look at factors before one reenters. So I will start there. (The concept of looking at Reentry as when a person is released is ineffective because reentry actually starts when a person is first incarcerated as we have very few “lifers” and the vast majority of those incarcerated come back to the community. Please notice I did not say they come back “home”.)

### **Inside the jails/prisons:**

There is a lack of mental health and substance abuse treatment. Statistics have shown most offenses are directly related to one or both of these health issues. The crimes committed/ criminal system is simply a byproduct/result of lack of treatment is these two areas. Unfortunately treating one aspect and not the other is nonproductive.

So we “warehouse” individuals in unstructured settings with no therapy, counseling, medication, education, job training and expect them to come home and wonder why it is so difficult for them to “be successful”. Although there may be a program or two in a particular facility, these slots are limited. You may have a random job skill training class in a prison/jail (usually in the kitchen cooking for the other inmates or janitorial / trustee positions) however out of a possible 500-1200 inmates, there are only about 20 – 30 slots available. The waiting list are long and most inmates go in and leave jails/prisons without any

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additional/new job skills to build upon as their release date comes before their name on a waiting list. Even your basic GED class has very limited slots so again, the majority of high school drop outs can spend years in jail/prison and not work towards their GED. Not because they don't want to, but because these have been cut from institutions or minimal amount of classroom slots. With the recent influx of for profit jails/prisons – the goal is to keep a body in the system by any means. There would be no point to invest in skills/education. That would be costly and self-defeating for a private institution. So in reality very few inmates have access to any programs in institutions. In fact most inmates sleep all day, gamble or get into other shenanigans from boredom with no real routine other than standing for count.

### **My Proposal:**

Set up classrooms within the institutions so that all inmates have access to take their GED. A placement exam should be given upon entry to access educational level and direct to appropriate class. Kahn Academy offers free online tutoring in all subjects and start at individual levels.

You must also consider the amount of violence that persons are subjected to inside our jails and prisons. Most offenders are nonviolent going in - however jails/prisons foster a violent atmosphere where the stigma is “you deserve whatever you get because you broke the law and put yourself here”. The truth is for most inmates their decisions did put them in prison – but remember, I said very few are lifers so they're all still returning one day – at some point.

The following are barriers to be successful for any person with Mental Health, Substance Abuse and Trauma inside and outside of our facilities. They must BOTH be addressed to have any real level, measureable way of success. I cannot stress – unless mental health, trauma, substance abuse treatment, education and job skills collectively/simultaneously are addressed – all of the other barriers are just that. Barriers – words with no reality. a job doesn't matter and neither would any other resources available Correct Diagnosis, Mental Health treatment, Substance Abuse treatment, housing, medication, medical insurance, transportation, housing. State ID, job skills, probation costs, court cost, jail costs (yes, our jails are now charging the families of those incarcerated to actually be in there and to use what minimal medical resources that may be available), restitutions, child support etc are all barriers for anyone tackle returning home.

Prior to release all individuals should have **in hand** a certified copy of their birth certificate, social security card, Maryland ID, 45 days of medications, active Medical Insurance card, 6 month bus / metro fare pass and pre scheduled appointments with psychiatrist and counselor to be seen within the first week of release date with their name, address and phone number **listed**. (You would not believe the complications of attempting to find a provider that accepts your insurance or lack thereof and scheduling. This is a skill to maneuver that many don't know how to do. ) There is an expectation that anyone get an ID and a minimal complication – it is quite complicated. It requires access to internet, computer, money/credit card to pay online, 2 sources of proof of residence (utility bill and mail from a government facility etc) and transportation to and from the MVA. If you have been incarcerated long enough for your ID/License to expire you also need a certified copy of your birth certificate (online payment with credit card) and original social security card. ID and Social Security card are needed for a job. You cannot get a job without these two. There is a waiting list for psychiatric/substance abuse treatment. This requires initial intake, then seeing the counselor, then the psychiatrist. It can be months any real movement has occurred. If you have been incarcerated and sign up for substance abuse treatment (because you didn't receive this in jail/prison) outside facilities require you to be “using”. If you have been abstinent while incarcerated you don't qualify for the very few available programs. This means a person being released from an institution should actually use a drug to have a dirty urine in order to be eligible for services. This is also a violation of the probation one is now on as a released person. Do you see where I am going with this? Things look good on paper but in reality make no sense at all. A bus pass assist individuals with transportation to and from required probation check in, therapy appointments, doctor appointments, employment searching/trainings etc. This also assists with some level of independence and minimizes feelings of being a continued burden on loved ones and family (If one has family) Remember, they are coming from being told what to do, when to do it, how to do it and “thinking and decisions are a skill” The mere structure of Probation and Parole are problematic and a barrier to successful reentry and employment. Probation and Parole requires routine business day/hour check ins. If someone has to catch the bus to report once or twice weekly to their probation officer for a 30 minute check in – realistically that 30 minute check in (assuming you don't have to wait to be seen) is about a 1 ½ hour bus ride each way totaling at minimum 3 hours of the day. If you are able to get a job it becomes problematic to leave work once - twice weekly for 3 / 4 hours of the day? To have to tell your employer you must check in with probation and parole brings weekly reminders of one's offense. It also continues the stigma we are saying we want them to move away from. What if you have other requirements? Court cost, child support, restitution, and probation fees. Yes

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probation fees! Not only are you on probation – you have to pay to be on probation. This is in addition to all the other fees while still attempting to take care of yourself. If you do not pay these fees – they are grounds for a violation of probation.

I propose a temporary hold up to one year on enforcement of all restitution, court costs, child support, institutional fees and probation/parole monthly payment due/owed. These fees are either put on the families OR cause for hopelessness of individuals which result in either re-offense or violations. I would propose an option of volunteering (at a rate of minimize wage to go directly to the monthly probation fees, court costs and fines) Too often individuals feel “pressured” to get these things paid because NOT paying them are reason to be violated. Often this puts individuals in a place of desperation and returning to criminal behaviors to make the money. Maryland could “waive” all fees (with the exception of restitution and child support) based on volunteer hours. Court costs, institutional and probation fees are not real “tangible” fees. These are simply tacked on. Our courts/probation & parole are funded by tax payers. It is more beneficial to/for Maryland to assist and invest in individuals to become productive and responsible citizens so they can begin and continue to pay their share of taxes via employment, purchase, property etc than to take from Maryland’s economy with the cost of an inmate. Each “volunteer hour” would be the equivalent to minimum wage and paid towards probation fees and court costs. This allows the individual to create a routine, give back to community and see progress. I don’t think the State needs to be involved in the volunteering (as there are waiting list and too many restrictions) or widen how /where one can do volunteer work. (There are waiting list and limited hours available with most programs through the state to volunteer with) Churches, nonprofits, mentoring programs etc should be included.

## **Jobs**

This is the tough one. Most of those that have been incarcerated have minimal education, job training and work history. I would propose a hybrid of sorts much like Montgomery County did with public housing. Instead of having a concentration in one area – spread it out to a plethora of fields. Working in the kitchen, janitorial work, McDonalds, Burger King and Walmart are fine but can’t we think bigger than that? The state could contract with numerous companies in many fields to go into the prisons to begin technical schooling / trades. These companies would agree to hire populations with convictions. With the baby boomers about to retire and the computer / tech industry we are about to have a SIGNIFICANT void in some stable,

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growing, very basic job areas like electric, plumbing, heating / air, auto mechanic and carpentry fields. Invite and assist small businesses in these areas to develop a real hands on experience training with Licensure available at the end of the program. For completing these programs, the fee associated with Licensure could be waived OR again paid by volunteer hours/work with an acknowledgement of minimum wage for every hour volunteered. This allows a small business to grow (Maryland contract) and potential employer to see work ethic/skill of individuals while also expanding potential employee base. I would make graduation/licensing solely based on skill set and ability. If there is an insurance bond needed I propose Maryland pays this for the first year. Again, making this part of the contract with the small businesses. When the inmate is release, they will have License and a job with the small business/company. Once a business has invested time/training with someone the likelihood of maintaining employment grows. The above fields all have starting incomes of \$20.00.

For other potential employers that aren't able to come into the institution, give incentives for job opportunities with a tutoring /mentoring on the job skills program that is set up and pre-arranged with a start date upon release. The individual would work just as everyone else but given an extended probation period of real on the job training with a specific assigned mentor at that job allowing for normal mistakes of learning. In return, the business gets a credit of sorts from the state, an employee they are paying below their normal pay at minimum wage (still saving) and IF the individual is able to successfully adapt and learn the job skills necessary within 6 months they are then offered a permanent position wage competitive to their peers. We would have to create a verification of fairness to ensure companies aren't just taking advantage of the low wages and credits with no real intent to hire. This would be evidenced by high turnover and should be monitored. Sticking with local small businesses we are better able to ensure fairness, create jobs and promote growth. Maryland should also set the example by hiring within city jobs.

### **Additional Barriers:**

Clothing – provide gift certificates for department stores / Goodwill/ for interview appropriate attire.

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Tattoos – partner with Laser removal business for those that want to remove tattoos. Tattoos are important in jail / institutions. They aren't all gang related and even if they are – a fresh start is a fresh start. (Virginia has a task force that is able to do this and it is available to Virginia residents)

**License:** There are known fields that those convicted are automatically disqualified from: Nursing/ Medical, Banking/Finance, City/State Jobs. Also obtaining a simple drivers license is difficult. Many haven't had a legal driver's license. In the state of Maryland it doesn't matter how old you are or what your experience is, if you've never had a license you must complete Drivers Education. This is a \$300.00 class that runs several days per week for several weeks to complete. You must also have a vehicle in order to complete the driving test with the instructors. . If someone is attempting to take care of fines, restitution, get back and forth to work at their part time McDonald's job and take care of themselves, there isn't \$300.00 available or time to take drivers ed. I propose IF someone on probation / parole is able to take drivers education, then these days/hours count towards mandated class/work hours and they should not be harassed by probation officer. There are many jobs where you must have a valid driver's license. I think the instruction part of driver's education could also be taken while in the institution. (Drivers Education use to be in the school system. Removing this from the schools further disenfranchised those of lower socioeconomic status) this could be available to those within 90 days of release.

#### Housing:

This is a very complex multi layered barrier for most and require so much more thought. Many are coming from drug infested areas or homes with cycles of addiction or other dysfunctional elements. Maryland must invest in temporary supported housing and reentry housing / programs through nonprofits throughout the state with a minimum of a year support. Similar to Halfway houses but real homes – not a step down institution. We also need to revisit how we view success. It is not linear and often fluid. Probation Officers are far too often violating for very minor offenses. We should not expect perfection. I would encourage the state to look into developing “foster families” of those who have once made some of the same devastating decisions and have successfully turned their lives around.

When you look at the fees and what I am proposing Maryland to pay per inmate upon release, keep in mind it costs Maryland \$38,000.00 per year; \$3166.00 per month and \$105.00 per day to house an inmate. The monies paid to assist those upon release are an investment to our communities and state.

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I haven't even spoken about the children, parents and loved ones left behind when a parent is incarcerated. I haven't spoken about the collateral consequences on children who are abruptly separated from their parents/ caregivers and how a wide range of mental health issues / personality disorders develop at very specific age ranges when this occurs.

If you have any questions, please feel free to contact me. Thank you for your time and attention to this very overlooked neglected area of our communities.

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**vii Ronald Stanley**

*Out for Justice member  
Returning citizen*

From: Ronald Stanley r1general@comcast.net  
Subject: Collateral Consequences  
Date: October 13, 2018 at 11:10 PM  
To: Nicole Hanson n1hanson@outforjustice.org

Finding and maintaining gainful employment is a serious barrier for returning citizens. The below considerations may be helpful to eliminate the breakdowns impacting successful re-entry.

1. Form a "private industry council " a group committed to hire returning citizens regardless of a criminal background.
2. Monitor the progress/effectiveness of programs designed to help returning citizens. For example, the BERE Program, Living Classroom and The Reentry Center. Enhance these programs to provide different, better more linkage to employers.
3. Investigate/evaluate businesses receiving city, county, state and federal funds that disallow/discriminate returning citizens. The Delaware company hiring for the Orioles is reluctant to hire ex-offenders; as well as the temp agency Food Staff.
4. Provide employment aftercare, that is, assist returning citizens who previously worked for Maryland Correctional Enterprise (MCE). Link these men/women to employers that received the products they manufactured while incarcerated. These individuals produced paint, furniture, tags, laundry, etc.

Respectfully submitted,  
Ronald Stanley

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**viii Elizabeth Smith, Prisoner Advocacy and Re-entry Support Project of UMD**

To: Christopher Shank

Chair, Justice Reinvestment Coordinating Council

From: The Prisoner Advocacy and Re-Entry Support Project of the University of Maryland Francis King

Carey School of Law

Date: September 21, 2015

Re: Criminal justice stakeholder meeting as part of the Justice Reinvestment Coordinating Council (JRCC)

Thank you for the chance to speak in the open forum at the end of the panel session at the meeting on September 10<sup>th</sup>. Our project is specifically geared towards those impacted by the Unger Decision and we are funded by Open Society Institute of Baltimore. We face regular and consistent struggles within our very specific client populations, and based on the aging of all of the prison population currently housed in the DPSCS we can safely assume many future returning citizens will face the same struggles.

**Primary Issues:**

**1. Identifying Paperwork**

- a) Men do not have their social security cards and/or birth certificates, those quickly/court released often do not have access to the time required for the MOUs between Social Security and Vital Records to secure these items. The lack of these documents in a timely manner creates a terrible no-man's land in which they cannot obtain Social Services supports nor can they seek work.
- b) People should have their birth certificates and Social Security cards available in their Base File; this will entail an expedited process to obtain these essential documents. Having DPSCS make sure these documents are in place would reduce the stressors upon reentry.

**2. Health Insurance**

- a) DPSCS needs navigators to assist with applications for health insurance. Perhaps SHIP( Senior Health Insurance Program) could help with the necessary Medicare applications.

**3. Lack of Financial Support**

- a) Men come out without a safety net and many, due to ID issues, cannot secure employment. It is not tenable to ask someone to subsist on TDAP( \$185) and SNAP benefits( \$185) and maintain housing and self-care.

**4. Employment for Geriatric Returning Citizens**

- a) Jobs in reentry are geared for people who tend to be able to do very physical work, our geriatric returning citizens often have advanced education and management skills and are not physically able to do the construction and deconstruction jobs that are typical reentry fields.

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5. Housing Solutions

- a) Many senior housing and all public housing options do not allow people with criminal backgrounds to reside there; this creates an additional barrier to success and creates an ongoing sense of de-stabilization. The lack of available and affordable housing is insurmountable. The reentry housing vouchers given out in 2013 were a wonderful opportunity and opened the door to almost 200 men and women. Housing Vouchers are essential for returning citizens.

Thank you,

Liz Smith

Elizabeth Smith, LGSW

Forensic Social Work Fellow

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# **Final Report of the Collateral Consequences Workgroup**

**Appendix E – Baltimore City “Positions of Trust” Policy**

## **Positions of Trust**

### **SCOPE**

This policy establishes guidelines to be used in screening candidates for positions of trust and identifying positions of trust within the City's classification system. A position of trust is created when an individual is permitted to exercise certain authorities without close supervision; and, these authorities, if abused, could lead to personal financial benefit either directly or indirectly. A position of trust also is created when an individual works with children.

This policy applies to individuals who are being appointed, reinstated, transferred, and/or promoted to a position of trust.

### **GUIDELINES**

In accordance with the following guidelines, the agency's appointing officer is responsible for identifying those positions of trust, which exist within the agency. The Director of Human Resources (or his or her designee) shall convene and chair a panel of Human Resources and agency representatives. The panel shall review the designations made by the appointing officer. The panel may, after consultation with the appointing officer and in accordance with the following guidelines, determine that a position is not a position of trust. Position of trust categories include:

- |                   |   |
|-------------------|---|
| <b>CATEGORY 1</b> | Senior officials whose positions involve a significant degree of responsibility and authority. Included in this group would be Department, Agency, and Bureau Heads and their senior deputies. In some instances, it would be appropriate to include division heads and their deputies and even individual senior advisors where such officials have, because of specializations, a significant opportunity to influence the decision making process of the City. |
| <b>CATEGORY 2</b> | Individuals who can significantly influence the financial interests of third parties. This group includes those involved in procurement, licensing, benefits eligibility, loans, settlements, property valuation and use and employment eligibility.  |
| <b>CATEGORY 3</b> | Individuals who have access to resources highly susceptible to loss or conversion. This includes individuals who handle cash, checks, and other receipts (other than imprest funds of less than \$100); individuals who collect rent; individuals who have custody of inventories susceptible to theft; individuals who sell surplus property; and individuals who authorize payroll and other disbursements.   |
| <b>CATEGORY 4</b> | Individuals who can materially affect the financial and related systems of the City, either by manipulation or sabotage. This   |

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## **Positions of Trust**

would include accountants, budget officers, and ADP system designers, programmers and operators.

### **CATEGORY 5**

Other sensitive positions such as security officials, officials who establish or enforce controls regarding environmental or other health hazards, and individuals who investigate safety and various code violations.

### **CATEGORY 6**

Individuals who work with children, such as school nurses, outreach workers or counselors who serve children, or individuals who work in youth opportunity programs.

### **CATEGORY 7**

Individuals who have access to others' personal information. This group includes persons with access to any personally identifiable health information, financial information, educational information, or personnel information.

## **RESPONSIBILITIES**

The appointing officer is charged with the following responsibilities:

- Insuring that final applicants for positions of trust complete a **RELEASE and AUTHORIZATION FOR CRIMINAL BACKGROUND CHECK**.
- Forwarding the **RELEASE and AUTHORIZATION FOR CRIMINAL BACKGROUND CHECK** to the Department of Human Resources to initiate the criminal background investigation.
- Upon receipt of an evaluation of the background investigation from the Department of Human Resources, evaluating the results and taking appropriate action in accordance with this policy.

The Department of Human Resources is responsible for:

- Designating one or more human resources specialists to: (1) receive the **RELEASES and AUTHORIZATIONS FOR CRIMINAL BACKGROUND CHECKS**; (2) receive completed background investigations; (3) evaluate the results of each completed background investigation; and (4) provide a written evaluation of the results of the investigation to the hiring agency. The written evaluation shall summarize and assess the results of the investigation. The completed background investigation shall not be disclosed to the hiring agency. The Department of Law may review the background investigation.

**m****Positions of Trust**

- Maintaining the confidentiality of completed background investigations in accordance with this policy.
- Verifying that criminal background investigations have been initiated when required, and entering the requests into Human Resources Information Systems (HRIS).
- Preparing journal entry to charge requesting agency for the cost of the criminal background investigation.
- Maintaining an up-to-date inventory of all positions of trust.
- Insuring that affected class descriptions and job announcements reflect the criminal background investigation requirement.
- Stipulating to the Board of Estimates in letters concerning positions to be created or reclassified whether the position is a position of trust.

**POLICY IMPLEMENTATION**

Based on the inventory of positions for which criminal background investigations are required, positions are flagged as confidential in HRIS. Submission of the RELEASE and AUTHORIZATION form is required prior to processing the employment action.

**Exceptions**

Except for employees working with children, employees filling positions of trust in an out-of-title status will be exempt from the requirement to complete a RELEASE and AUTHORIZATION FOR CRIMINAL BACKGROUND CHECK. A criminal background investigation is not required when an employee is reinstated to a previously held position of trust provided that an investigation had been completed within 1 year of the date of reentry.

**Non-Positions of Trust**

Employment applications for positions that are not positions of trust shall not require applicants to disclose prior convictions or any other criminal history information.

**APPOINTMENT PRIOR TO INVESTIGATION**

An individual may not be appointed to a position of trust prior to initiating a criminal background investigation, but may be appointed in advance of its completion. However, a disposition regarding the information obtained must be made during the employee's probationary period. See AM-237-1-2 for further details on processing the results of a criminal background investigation.



## Positions of Trust

### CRIMINAL HISTORY INVESTIGATION

Criminal history information supplied by the City's vendor will be restricted to conviction data. Therefore, arrest information will not be included in any report provided by the City's vendor, as the appointing officer may not consider such information in rendering a decision on employment. The presence of any criminal conviction may not be used as the sole basis for denying employment. Appointing officers must consult with the Department of Law and the Department of Human Resources prior to rendering a decision on the job-related nature of conviction data. The appointing officer, in consultation with the Department of Law and the Department of Human Resources, must give fair consideration to the relationship between a conviction and the applicant's suitability for a particular position.

In determining the job-related nature of a conviction, the following criteria must be used:

- Number and types of convictions.
- Severity of the crime and the sentence imposed.
- Recency of the conviction.
- Evidence of rehabilitation.
- Conditions in the workplace.

### DISPUTES

If a candidate disputes the findings of a criminal history investigation, the candidate may elect to be fingerprinted at the Baltimore City Police Department. Providing fingerprint data will insure the accuracy of any criminal history information obtained.

### MAINTENANCE OF CRIMINAL HISTORY INFORMATION

Due to the sensitive nature of criminal history information, efforts must be taken to insure confidentiality and security of records. A photocopy of the completed RELEASE and AUTHORIZATION FOR CRIMINAL BACKGROUND CHECK and a copy of the written evaluation prepared by the Department of Human Resources remains part of the employee's permanent record, but all attachments and/or notices furnished by the City's vendor or the Maryland State Police must be destroyed after evaluating the findings. Any criminal history information obtained is pertinent only to the employee action under consideration and subsequently must be discarded. Should it be necessary to obtain criminal history information on the same individual at a future date, a new information request must be submitted.

Notices of those criminal records, which have been expunged, will be issued when appropriate. Receipt of such notices must be recorded in the employee's permanent record. The notices themselves must be destroyed.



***a***

**AM-237-1**

***m***

## **Positions of Trust**

### **RELATED POLICIES**

For additional information related to POSITIONS OF TRUST, refer to:

**AM-236-1**

**PROBATIONARY PERIOD**

**AM-231-1**

**HIRING AND TRANSFERS**



# **Final Report of the Collateral Consequences Workgroup**

**Appendix F – ABA National Inventory of Collateral  
Consequences of Conviction Report (98 Maryland  
Mandatory/Automatic Consequences for Occupational and  
Professional Licenses and Certifications)**



A	B	C	D	E	F	G	H	I	J	K	L
Challan	Title	Consequence Category	Consequences Details B. An applicant requesting certification as an instructor: ...	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1											
2	COMAR 11.23.02.16	Ineligible for driver education school (3) correct certification (felony/controlled substance offenses)	(e) An offense within the last 3 years involving:  (f) A controlled dangerous substance;  (g) Alcohol or drugs while operating a motor vehicle; or  (h) A felony involving the use of a motor vehicle regulation, the Department shall enter on the record of the person the number of points listed for that particular conviction.	Mandatory/Automatic	See COMAR 11.23.02.14, 11.23.02.17 (FBI background check requirement); COMAR 11.23.02.10 (requiring instructor to notify employer of convictions)	Specific Term	3 year look-back		Any felony; controlled substances offenses		Felony convictions limited to those involving the use of a motor vehicle.
3	COMAR 08.02.13.10	Suspend/revokes seafood dealer license (fish/game)	E. Tier I. The following violations are Tier I violations. A person who receives a conviction for a Tier I violation receives 5 points.  (See COMAR 08.02.13.10(E) for full schedule.)  F. Tier II. The following violations are Tier II violations. A person who receives a conviction for a Tier II violation receives 10 points and a 30-day suspension.  (See COMAR 08.02.13.10(F) for full schedule.)  G. Tier III. The following violations are Tier III violations. A person who receives a conviction for a Tier III violation receives 15 points and a 60-day suspension.  C. The Service shall review each license application to determine if, within the prior 3 year period, the applicant has been convicted of violating state or federal migratory game bird laws or regulations pertaining to:  (1) Hunting with the aid of bait;  (2) Exceeding the daily bag limit;  (3) Hunting with the aid of live decoys;  (4) Violation of shooting hours;  (5) Hunting during a closed season; or  (6) Waterfowl outfitting and guiding.	Mandatory/Automatic		Specific Term	30-365 day suspension; permanent revocation		Other	Violations of fishing regulations laws.	
4	COMAR 08.03.14.03	Ineligible for waterfowl outfitting license (1 year professional license for two or more convictions of state/federal migratory bird laws/regulations) (fish/game)		Mandatory/Automatic	See Consequence Details for background check requirements	Specific Term	1 year		Recreational license offenses; Other	State/federal (fish/migratory bird laws/regulations)	(8) "Waterfowl outfitting" means an individual who receives monetary compensation for the outfitting of hunters to hunt wild waterfowl.

COMAR 08.03.14.01:

...











	A	B	C	D	E	F	G	H	I	J	K	L
	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
20	COMAR 10.44.02.05	Ineligible for dentistry license (limited licensees) (physician/health care)	Employment; Occupational and professional license and certification	<p>A. A limited licensee granted a waiver under Health Occupations Article, § 4-303.1, Annotated Code of Maryland, may be granted a general license if the limited licensee fulfills the requirements of Health Occupations Article, § 4-303.1, Annotated Code of Maryland, and submits the following credentials to the Board:</p> <p>...</p> <p>(6) A certified letter with a raised embossed seal from the dental licensing authority of each state in which the applicant holds an active dental license or ever held an active dental license, indicating that the license is or was in good standing and whether the applicant:</p> <p>...</p> <p>(d) Has been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland . . . .</p> <p>holding an active license in another state, or who has ever held an active license in another state, shall provide adequate evidence satisfactory to the Board that the candidate:</p> <p>(1) is not being investigated by a disciplinary authority of another state:</p> <p>...</p> <p>(4) Has not been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland.</p> <p>COMAR 10.44.05.05:</p> <p>A. An applicant who has passed the ADLEX with a score of 75 or greater in each required section shall submit the following to the Board:</p> <p>...</p> <p>(6) A certified letter with a raised embossed seal from the dental licensing authority of each state in which the applicant holds an active dental license or ever held an active dental license indicating that the license is or was in good standing and that the applicant:</p>	Mandatory/Automatic	Supp. records check/disclosure requirement	Permanent/Unspecified			Any felony; § Crime of moral turpitude; § Crimes involving fraud, dishonesty, misrepresentation or money-laundering; § Controlled substances offenses; § Other	Violations of Subtitle 4, restricting those who may complete laboratory work.	(e) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:
21	COMAR 10.44.05.03	Ineligible for dentistry license (out-of-state licensees) (physician/health care)	Employment; Occupational and professional license and certification	<p>(6) A certified letter with a raised embossed seal from the dental licensing authority of each state in which the applicant holds an active dental license or ever held an active dental license indicating that the license is or was in good standing and that the applicant:</p>	Mandatory/Automatic		Permanent/Unspecified			Any felony; § Crime of moral turpitude; § Crimes involving fraud, dishonesty, misrepresentation or money-laundering; § Controlled substances offenses; § Other	Violations of Subtitle 4, restricting those who may complete laboratory work.	(e) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:

	A	B	C	D	E	F	G	H	I	J	K	L
	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp records check/disclosure requirement	Duration Category	Duration Description	Refiler Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1				Consequence Details holding an active license in another state, or who has ever held an active license in another state, shall provide adequate evidence satisfactory to the Board that the candidate:  (1) is not being investigated by a disciplinary authority of another state: ... (3) Has not been disciplined; and  (4) Has not been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland:  COMAR 10.44.09.05:  A. An applicant who has passed the AD-LEX with a score of 75 or greater in each required section shall submit the following to the Board: ... To apply for a retired volunteer license to practice dentistry or dental hygiene, a dentist or dental hygienist shall submit: ...  C. A certified letter with a raised embossed seal from the licensing authority of each state in which the applicant holds an active dental or dental hygiene license, or ever held an active dental or dental hygiene license, indicating that the licensee is or was in good standing and whether the applicant:  (1) is being investigated;  (2) Has charges pending against the applicant's license;  (3) Has been disciplined; or  (4) Has been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland	Consequence Type	Supp records check/disclosure requirement	Duration Category	Duration Description	Refiler Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
22	COMAR 10.44.09.03	Ineligible for dental hygienist license (out-of-state license) (health care)	Employment; Occupational and professional license and certification	A. An applicant who has passed the AD-LEX with a score of 75 or greater in each required section shall submit the following to the Board: ... To apply for a retired volunteer license to practice dentistry or dental hygiene, a dentist or dental hygienist shall submit: ...  C. A certified letter with a raised embossed seal from the licensing authority of each state in which the applicant holds an active dental or dental hygiene license, or ever held an active dental or dental hygiene license, indicating that the licensee is or was in good standing and whether the applicant:  (1) is being investigated;  (2) Has charges pending against the applicant's license;  (3) Has been disciplined; or  (4) Has been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland	Mandatory/Automatic		Permanent/Unspecified			Any felony;#Crime of moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances;#Other offenses;#Other  Violations of Subtitle 4, restricting those who may complete laboratory work.	(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;  (2) Fraudulently or deceptively uses a license;  (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;  (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances;#Other offenses;#Other	(e) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:  (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;  (2) Fraudulently or deceptively uses a license;  (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;  (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances;#Other offenses;#Other
23	COMAR 10.44.24.03	Ineligible for retired volunteer dentist/dental hygienist license (physician/health care)	Employment; Occupational and professional license and certification; Political and civic participation	(4) Has been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland	Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified			Any felony;#Crime of moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances;#Other offenses;#Other  Violations of Subtitle 4, restricting those who may complete laboratory work.	(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;  (2) Fraudulently or deceptively uses a license;  (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;  (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances;#Other offenses;#Other	(e) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:  (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;  (2) Fraudulently or deceptively uses a license;  (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;  (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances;#Other offenses;#Other

A	B	C	D	E	F	G	H	I	J	K	L
1. Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
			hygiene, a dentist or a dental hygienist who has passed a regional board in accordance with Health Occupations Article, § 4-306, Annotated Code of Maryland, shall submit:								(a) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:
			(b) A certified letter with a raised embossed seal from the dental or dental hygiene licensing authority of each state in which the applicant has been licensed, or a dental hygiene license or a dental or dental hygiene license indicating that the licensee is or was in good standing and that the applicant:								(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
			(a) Is not being investigated;								(2) Fraudulently or deceptively uses a license;
			(c) Has not been disciplined;								(3) Obtains a fee by fraud or attempts to obtain a fee by fraud;
			(d) Has not been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland;								(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Controlled substances; Other offenses; Other
24. COMAR 10.44.26.08	Ineligible for volunteer dentist/dental hygienist license (physician/health care)	Employment; Occupational and professional license and certification	COMAR 10.44.26.07:	Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified			Violations of Subtitle 4, restricting those who may complete laboratory work.		
			B. An applicant for a teacher's license to practice dentistry shall submit the following to the Board:								(a) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:
			(4) A certified letter with a raised embossed seal from the dental or dental hygiene licensing authority of each state in which the applicant has been licensed, or a dental hygiene license or a dental or dental hygiene license indicating that the licensee is or was in good standing, and that the applicant:								(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
			(a) Is not being investigated;								(2) Fraudulently or deceptively uses a license;
			(c) Has not been disciplined; and								(3) Obtains a fee by fraud or attempts to obtain a fee by fraud;
			(d) Has not been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland								(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Controlled substances; Other offenses; Other
25. COMAR 10.44.26.02	Ineligible for teacher's dentistry license (physician/health care/education)	Employment; Occupational and professional license and certification; Education		Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified			Violations of Subtitle 4, restricting those who may complete laboratory work.		

	A	B	C	D	E	F	G	H	I	J	K	L
	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
26	COMAR 10.44.28.03	Insigible for teacher's dental hygiene license and certification; (health care/education)	Employment; Occupational and professional license Education	<p>B. An applicant for a teacher's license to practice dental hygiene shall submit the following to the Board:</p> <p>(4) A certified letter with a raised embossed seal from the dental hygiene licensing authority of each state in which the applicant holds an active dental hygiene license or ever held an active dental hygiene license, indicating that the license is or was in good standing and that the applicant:</p> <p>(a) Is not being investigated;</p> <p>(c) Has not been disciplined; and</p> <p>(d) Has not been convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under Health Occupations Article, § 4-315, Annotated Code of Maryland . . . .</p> <p>licensed to practice dentistry in another state and who wishes to obtain a teacher's license to teach dentistry at the University of Maryland Dental School, shall meet the requirements set forth in Health Occupations Article, § 4-303(c), Annotated Code of Maryland.</p> <p>B. A graduate of a United States or Canadian dental school who is not licensed to practice dentistry in another state and who wishes to apply for a teacher's license to teach dentistry at the University of Maryland Dental School shall submit the following to the Board:</p> <p>(4) A certified letter with a raised embossed seal from the dental licensing authority of each state in which the applicant ever held an active dental license indicating that the license is or was in good standing and that the applicant:</p> <p>(a) Is not being investigated;</p> <p>(c) Has not been disciplined; and</p> <p>(d) Has not been convicted or disciplined by a court of any state or</p>	Mandatory/Automatic		Permanent/Unspecified			Any felony;#Crime of moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances offenses;#Other	Violations of Subtitle 4, restricting those who may complete laboratory work.	(a) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:  (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;  (2) Fraudulently or deceptively uses a license;  (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;  (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral
27	COMAR 10.44.28.04	Insigible for teacher's dental hygiene license and certification; (health care/education)	Employment; Occupational and professional license Education	<p>B. An applicant for a teacher's license to practice dental hygiene shall submit the following to the Board:</p> <p>(4) A certified letter with a raised embossed seal from the dental hygiene licensing authority of each state in which the applicant holds an active dental hygiene license or ever held an active dental hygiene license, indicating that the license is or was in good standing and that the applicant:</p> <p>(a) Is not being investigated;</p> <p>(c) Has not been disciplined; and</p> <p>(d) Has not been convicted or disciplined by a court of any state or</p>	Mandatory/Automatic		Permanent/Unspecified			Any felony;#Crime of moral turpitude;#Crimes involving fraud, dishonesty, misrepresentation or money-laundering;#Controlled substances offenses;#Other	Violations of Subtitle 4, restricting those who may complete laboratory work.	(a) License to practice dentistry. -- Subject to the hearing provisions of § 4-318 of this subtitle, the Board may deny a general license to practice dentistry, a limited license to practice dentistry, or a teacher's license to practice dentistry to any applicant, reprimand any licensed dentist, place any licensed dentist on probation, or suspend or revoke the license of any licensed dentist, if the applicant or licensee:  (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;  (2) Fraudulently or deceptively uses a license;  (3) Obtains a fee by fraud or attempts to obtain a fee by fraud;  (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral

	A	B	C	D	E	F	G	H	I	J	K	L
1. Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details	
											Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any license or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:	
			A. An applicant licensed as a professional counselor or its equivalent, as established by the Board, in another state, territory, or jurisdiction is eligible for licensure if the applicant:								(1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;	
			(1) Provides on a form that the Board supplies:								(3) Provides professional services;	
			(b) Verification that the applicant:						Any felony; Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or laundering; Controlled substances; Criminal violations of health laws. Md. HEALTH OCCUPATIONS Code Ann. § 17-604		(i) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;	
28. COMAR 10.58.01.10	Ineligible for professional counselor/therapist license (out-of-state applicants) (health care)	Employment; Occupational and Professional license and certification	(i) Has not committed any act or omission that would be grounds for discipline or denial of licensure under Health Occupations Article, § 17-509, Annotated Code of Maryland	Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified					Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any license or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:	
			A. An applicant certified as a certified associate counselor-alcohol and drug in another state is eligible for certification if the applicant:								(1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;	
			(2) Provides verification that the applicant:								(3) Provides professional services;	
			(b) Has not committed any act or omission that would be grounds for discipline or denial of certification under Health Occupations Article, § 17-509, Annotated Code of Maryland	Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified			Any felony; Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or laundering; Controlled substances; Criminal violations of health laws. Md. HEALTH OCCUPATIONS Code Ann. § 17-604		(i) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;	
29. COMAR 10.58.07.15	Ineligible for associate drug and alcohol counselor certification (out-of-state applicants) (health care)	Employment; Occupational and Professional license and certification									Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any license or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:	

A	B	C	D	E	F	G	H	I	J	K	L
Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
30. COMAR 10.58.07.19	Ineligible for supervised drug and alcohol counselor certification (out-of-state applicants) (health care)	Employment; Occupational and professional license and certification	<p>A. An applicant certified as a certified clinical alcohol and drug counselor in another state is eligible for certification if the applicant:</p> <p>...</p> <p>(2) Provides verification that the applicant:</p> <p>...</p> <p>(b) Has not committed any act or omission that would be grounds for discipline or denial of certification under Health Occupations Article, § 17-509, Annotated Code of Maryland . . . . .</p>	Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified			<p>Any felony; Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Controlled substances offenses; Other</p> <p>...</p> <p>(i) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication, . . . . .</p> <p>...</p> <p>(8) Knowingly violates any provision of this title; Ann. § 17-604.</p>	<p>Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:</p> <p>(1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;</p> <p>...</p> <p>(3) Provides professional services</p> <p>...</p> <p>(i) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication, . . . . .</p> <p>...</p> <p>(8) Knowingly violates any provision of this title; Ann. § 17-604.</p>	Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:
31. COMAR 10.58.07.20	Ineligible for supervised drug and alcohol counselor certification (out-of-state applicants) (health care)	Employment; Occupational and professional license and certification	<p>A. An applicant certified as a certified supervised counselor-alcohol and drug in another state is eligible for certification if the applicant:</p> <p>...</p> <p>(2) Provides verification that the applicant:</p> <p>...</p> <p>(b) Has not committed any act or omission that would be grounds for discipline or denial of certification under Health Occupations Article, § 17-509, Annotated Code of Maryland . . . . .</p>	Mandatory/Automatic	See Consequence Details for disclosure requirements	Permanent/Unspecified			<p>Any felony; Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Controlled substances offenses; Other</p> <p>...</p> <p>(i) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication, . . . . .</p> <p>...</p> <p>(8) Knowingly violates any provision of this title; Ann. § 17-604.</p>	<p>Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:</p> <p>(1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;</p> <p>...</p> <p>(3) Provides professional services</p> <p>...</p> <p>(i) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication, . . . . .</p> <p>...</p> <p>(8) Knowingly violates any provision of this title; Ann. § 17-604.</p>	Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:



[illegible]

	Mandatory/Automatic	Specific Term	2 year look-back	offenses/Motor vehicle offenses
33 COMAR 11.17.14.09	professional license traffic control, other than parking, arising in connection with traffic accident . . . . .			

A	B	C	D	E	F	G	H	I	J	K	L
Challan	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details Felony convictions limited to those involving use of motor vehicle.
34	COMAR 11.20.01.20	<p>Ineligible for motorcycle safety training instructor certification</p> <p>Employment; Occupational and professional license and certification; Education</p>	<p>A. An applicant for an instructor certificate shall:</p> <p>...</p> <p>(5) Have a satisfactory driving record the previous 3 consecutive years.</p> <p>...</p>	Mandatory/Automatic		3-year lookback			<p>Any felony; Crimes of violence, including "person" offenses; Controlled substances offenses; Motor vehicle offenses</p>		<p>(1) Accumulated four or more points on the instructor's driving record;</p> <p>(2) Been convicted of driving or operating, or both, a motor vehicle while intoxicated or while under the influence of an illegally used, controlled, or dangerous substance;</p>
			<p>(4) May not have more than four active points on their current driving record;</p> <p>(5) May not have a pending charge or criminal conviction for:</p> <p>(a) Fraud in the operation of providing instruction;</p> <p>(b) A crime of moral turpitude;</p> <p>(c) A sex offense;</p> <p>(d) Contributing to the delinquency of a minor</p>						<p>Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Sex crimes; Motor vehicle offenses; Other</p>		
35	COMAR 11.23.01.13	<p>Ineligible for driving instructor license (permanent for specified offenses) (education)</p> <p>Employment; Occupational and professional license and certification</p>		Mandatory/Automatic	See COMAR 11.23.01.14 - 16 (FBI background check requirements)	Permanent/Unspecified			<p>Contributing to the delinquency of a minor</p>	See Md. TRANSPORTATION Code Ann. § 16-404 (contribution of driving record points from moving violation convictions).	



	A	B	C	D	E	F	G	H	I	J	K	L
	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Related Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
38	COMAR 11.23.02.18	Revoke driver education school instructor certification	Employment; Occupational license and certification; Education	(2) A driving record with not more than four active points, and  (3) A satisfactory criminal history record, which means having no pending charges or criminal convictions for:  (a) Fraud in the operation of providing instruction;  (b) A crime of moral turpitude;  (c) A sex offense;  (d) Contributing to the delinquency of a minor;  (e) An offense involving a controlled dangerous substance;	Mandatory/Automatic  							

A	B	C	D	E	F	G	H	I	J	K	L
1. Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
41 COMAR 13A.12.01.03	Ineligible for certification or employment educating students	Employment; Occupational and professional license and certification	(1) An individual who has been convicted of, pleads guilty or nolo contendere with respect to, or receives probation before judgment with respect to, a crime against children or a crime of violence, or an individual whose certificate is suspended, revoked, or voluntarily surrendered under COMAR 13A.12.05 or in another state for a cause comparable to which the individual's certificate is suspended in Maryland, may not hold certification during the period of ineligibility ... revoked by the State Superintendent of Schools if the certificate holder: <p>D. Personnel Not Eligible.</p> <p>(a) Contributing to the delinquency of a minor,</p> <p>(b) Moral turpitude if the offense bears directly on the individual's fitness to teach,</p> <p>(c) A controlled dangerous substance offense as defined in federal or State law, and the sanction for the offense committed in Maryland shall be imposed in accordance with Article 41, §§ 1-501--1-507, and</p>	Mandatory/Automatic		Permanent/Unspecified			Any felony; if Any misdemeanor; if Crimes of violence, including Person offenses; if Sex offenses		COMAR 13A.12.05.02: <p>C. Suspension or Revocation. A certificate shall be suspended or revoked by the State Superintendent of Schools if the certificate holder:</p> <p>(1) Pleads guilty or nolo contendere with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving:</p> <p>(a) Contributing to the delinquency of a minor,</p> <p>(b) Moral turpitude if the offense bears directly on the individual's fitness to teach,</p> <p>(c) A controlled dangerous substance offense as defined in federal or State law, and the sanction for the offense committed in Maryland shall be imposed in accordance with Article 41, §§ 1-501--1-507, and</p>
42 COMAR 13A.12.05.02	Suspend/revoke board of education certification	Employment; Occupational and professional license and certification	(1) Pleads guilty or nolo contendere with respect to, receives probation before judgment with respect to, or is convicted of, a crime involving: <p>(a) Contributing to the delinquency of a minor,</p> <p>(b) Moral turpitude if the offense bears directly on the individual's fitness to teach,</p> <p>(c) A controlled dangerous substance offense as defined in federal or State law, and the sanction for this offense committed in Maryland shall be imposed in accordance with Article 41, §§ 1-501--1-507, and Criminal Law Article, § 5-810, Annotated Code of Maryland ...</p> <p>D. Revocation Only. A certificate shall be revoked if the certificate holder:</p>	Mandatory/Automatic	See COMAR 13A.12.05.03 (notification of criminal charges required)	Permanent/Unspecified		B. If a decision of suspension, revocation, or voluntary surrender is based on Regulation .02C(1) or D(1) of this chapter and if the plea, probation before judgment, or conviction is overturned and there is no subsequent proceeding leading to a plea, probation before judgment, or conviction, the individual whose certificate is suspended, revoked, or voluntarily surrendered may file a written request for reinstatement, including documentation of the final status of the judicial proceeding.	Crime of moral turpitude; if Crimes involving fraud, dishonesty, misrepresentation or money-laundering; if Crimes of violence, including "person" offenses; if Controlled substances offenses; if Sex offenses; if Other	Contributing to the delinquency of a minor	

A	B	C	D	E	F	G	H	I	J	K	L
Citation	Title	Consequence Category	Consequence Details C. Response of the Office, ...	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1			(2) Within 60 calendar days of the applicant's completion of the procedures in § A of this regulation, the Office shall: ...  (b) Deny the initial approval or renewal approval if: ...  (iii) The applicant has a documented history of serious or repeated violations of the regulations of Maryland or any other state concerning the care of children or adults that demonstrates a disregard for the health or safety of children.  (iv) The applicant has had an approval denied or withdrawn before the date on the application being considered unless the Office is satisfied that the condition that was the basis for the denial or withdrawal has been corrected: ...								
43	COMAR 13A.14.06.04 Deny child care training approval	Employment; Occupational and professional license and certification; Business license and other property rights		Mandatory/Automatic		Permanent/Unspecified			Crimes of violence, including "person offenses"		Regulatory violations that demonstrate disregard for health and safety of children
											A. A person may not possess a regulated firearm if the person: ...  (3) Is a fugitive from justice;  (4) Has been convicted of:  (a) A crime of violence;  (b) Any violation classified as a felony in this State;  (c) Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or  (d) Any violation classified as a common law offense where the person received a term of imprisonment of
44	COMAR 26.03.01.40 Revoke qualified handgun instructor license (weapons)	Employment; Occupational and professional license and certification	A. The Secretary may revoke a Qualified Handgun Instructor License for cause. Sufficient cause may include, but is not limited to, evidence of: ...  (5) Conviction for a criminal offense that would preclude the licensee from purchasing or possessing a firearm; or  (6) Conviction for a criminal offense involving the distribution, use, or possession of a controlled substance; ...  A. Written Consent Invalidated Immediately. If an individual who has been granted written consent is subsequently convicted of a felony, the written consent of the individual is invalidated immediately without the necessity of any further action by the Commissioner.	Mandatory/Automatic		Permanent/Unspecified			Any felony; Any misdemeanor; Crimes of violence, including "person offenses"; Controlled substance offenses		
45	COMAR 31.03.12.09	Employment; Occupational and professional license and certification; Business license and other property rights	(1) Immediately notify the Commissioner, the individual's employer, and any insurers with which the individual holds an appointment; and  (2) Provide to the Commissioner all relevant documents and information about the felony conviction. A. To qualify to renew a license, a licensee: ...  (3) Shall have paid any amount in arrears on an applicant's child support obligation, if any, or have provided for payment in a manner satisfactory to the unit responsible for collection. ...	Mandatory/Automatic	See Consequence Details (notification requirement).	Permanent/Unspecified			Any felony		
46	COMAR 31.03.16.03	Employment; Occupational and professional license and certification; Business license and other property rights		Mandatory/Automatic		Permanent/Unspecified					Child Support offense

A	B	C	D	E	F	G	H	I	J	K	L
1. Citation	Title	Consequence Category	Consequence Details (7) "Qualified actuary" means an individual who ...	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
			(e) Has not been found by the Commissioner (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing, to have:								
			(f) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of the actuary's dealings as a qualified actuary;								
			(g) Been found guilty of fraudulent or dishonest practices; ...								
47	COMAR 31.05.01.02	Employment; Occupational and professional license and certification	E. The Commissioner may not recognize as a qualified independent certified public accountant, or accept an annual audited financial report, prepared in whole or in part by, a natural person who:	Mandatory/Automatic		Permanent/Unspecified			Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Other	Violation of insurance law	
			(1) Has been convicted of fraud, bribery, a violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968, or any dishonest conduct or practices under federal or state law;								
			(2) Has been found to have violated the insurance laws of Maryland with respect to any previous reports submitted under this regulation;								
			(3) Has demonstrated a pattern or practice of failing to detect or disclose material information in previous reports filed under the provisions of this chapter; or								
			(4) Has violated any provisions of Business Occupations and Professions Article, Title 2, Annotated Code of Maryland, or any rule of professional conduct established by the State Board of Public Accountancy; ...	Mandatory/Automatic		Permanent/Unspecified			Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Public corruption offenses; Other	RICO; Violations of state insurance law; Violations of state accountancy law	
48	COMAR 31.05.11.06	Employment; Occupational and professional license and certification; Business license and other property rights	a. Serious Crimes								
			i. Definition. For purposes of this Rule, the term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involved false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit any of the above.								
			ii. Suspension. Upon the filing with the Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice in the District of Columbia has been convicted of any crime in the United States or the District of Columbia of any crime in the Commonwealth of Pennsylvania or possession of the United States of a serious crime, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. Such order shall direct the attorney to show cause within thirty (30) days why disbarment or some lesser punishment should not be imposed. A copy of such order shall immediately be served upon the attorney.								
			a. When Court Order Required. An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this Court.								
			b. Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least								
			any felony; Crimes involving fraud, dishonesty, misrepresentation or money-laundering; Public corruption offenses								
49	D. Md. Rules 705	Suspend attorney from United States District Court for the District of Maryland (mandatory for serious crimes)	Notify other courts of adverse bar action/conviction	Mandatory/Automatic		Permanent/Unspecified					





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1	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
				(b) Ten-year bar upon conviction. -- A person convicted of a violation of this section may:								
53	Md. BUSINESS REGULATION Code Ann. § 8-5A-10	Ineligible for registration as public safety solicitor	Employment; Occupational and professional license and certification	(1) be prohibited from acting as a public safety solicitor for a period up to 10 years beginning on the date of the conviction;  ... deliver to another a drug, medicine, chemical, or preparation for medicinal use that is recognized or authorized by the latest edition of the United States Pharmacopoeia and National Formulary or prepared according to the private formula of another that is:  (i) other or different from the prescription drug, controlled dangerous substance, medicine, chemical, or preparation that is ordered or called for by the person; or  (ii) except as authorized under § 12-504 of the Health Occupations Article, called for in a prescription of a physician or other authorized provider.  (b) Act by principal, agent, or employee. -- Subsection (a) of this section applies to a person acting on the person's own behalf or as an agent or employee of some other person.  (c) Penalty --	Mandatory/Automatic		Specific Term	Ten years from date of conviction	Other		Engage in soliciting public safety contributions without registration	
54	Md. CRIMINAL LAW Code Ann. § 5-702	Revoke health occupations license (for sale of drug other than ordered)	Employment; Occupational and professional license and certification	(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not less than 1 month and not exceeding 1 year or a fine of not less than \$ 100 and not exceeding	Mandatory/Automatic		Permanent/Unspecified			Other	Violation of Md. CRIMINAL LAW Code Ann. § 5-702 (this section) (b) Prohibited acts. -- On the grounds of a courthouse or correctional facility, a bail bondsman, an agent of a bail bondsman, an employee of the courthouse, or an employee of a correctional facility may not:  (1) approach, entice, or invite a person to use the services of a specific bail bondsman;  (2) distribute, display, or wear an item that advertises the services of a bail bondsman; or  (3) otherwise solicit business as a bail bondsman.  (c) Penalties. -- A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to:  Solicitation of bail bondsman services on courthouse/correctional facility grounds	
55	Md. CRIMINAL PROCEDURE Code Ann. § 5-210	Notify insurance Commissioner of conviction of bail bondsman for prohibited solicitation on courthouse/correctional facility grounds	Occupational and professional license and certification; Business license and other property rights; Registration, notification, and residency restrictions	(d) Referral to Insurance Commissioner. -- A person convicted of a violation of subsection (b) of this section shall be referred to the Insurance Commissioner for appropriate action....	Mandatory/Automatic		Permanent/Unspecified			Other		(1) a fine not exceeding \$ 2,500, and if licensed in

	A	B	C	D	E	F	G	H	I	J	K	L
	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
56	Md. ENVIRONMENT Code Ann. § 15-504	Deny open-pit mining operator's license	Employment; Occupational and professional license and certification; Business license and other property rights	Director of the Bureau shall investigate every application for a license or renewal. The Director may not issue any new open-pit mining operator's license or renew any existing license to any person or operator if the Director finds that the applicant or operator has failed to correct a violation of the provisions of this subtitle, or if the applicant or operator is not in compliance with any of the provisions of this subtitle. If the Director finds that the applicant or operator is not in compliance with any of the provisions of this subtitle, the Director may not issue or renew the license if the Director finds that any officer, director, or principal owner of the corporation, limited liability company, partnership, or association, has previously failed and continues to fail to comply with any of the provisions of this subtitle, or if any officer, director, or principal owner is or has been an officer, director, or principal owner of any other corporation, limited liability company, partnership, or association, which has previously failed and continues to fail to comply with any of the provisions of this subtitle. The Director may not issue or renew any license to any person or operator who has forfeited any bond posted in connection with strip-mining activity in any state. If the applicant is a corporation, limited liability company, partnership, or association, the Director may not issue or renew the license if the Director finds that any officer, director, or principal owner of the corporation, limited liability company, partnership, or association, has previously forfeited any bond posted in connection with strip-mining activity in any state.	Mandatory/Automatic		Permanent/Unspecified			Other	Criminal violations of strip mining laws. (Md. ENVIRONMENT Code Ann. § 15-520)	(a) Open-pit mining without license. -- Any person who mines coal by the open-pit mining method as an operator without having applied for and received a license as provided in this subtitle is guilty of a misdemeanor. On conviction, he is subject to a fine of not less than \$ 5,000 and not exceeding \$ 10,000, or imprisonment not exceeding six months, or both.  (b) Open-pit mining without permit. -- Any person who mines coal by the open-pit mining method without having received a permit, as provided in this subtitle, who mines coal by the open-pit mining method without securing an amended permit, who mines coal by the open-pit mining method without furnishing the proper bond required by this subtitle, who knowingly or intentionally submits false information to the Department, or knowingly fails to make any statement, representation, or certification in any document required to be filed with the Department, or who does not fully comply with every provision and requirement of this subtitle or any rule, regulation, permit, notice or order issued pursuant thereto, is guilty of a misdemeanor, and upon conviction is subject to a fine of not more than \$ 10,000 or by imprisonment for not more than 1 year or both.
57	Md. ENVIRONMENT Code Ann. § 15-605	Ineligible for deep mine operator's license	Employment; Occupational and professional license and certification	(1) Is or has been an officer, or principal owner of any other corporation, partnership, or association that previously failed and continues to fail to comply with any provision of this subtitle; or  (2) With respect to an application of a corporation, partnership, or association, the Secretary may not issue a license to or renew the license of the applicant, if the Secretary finds that any of its officers, directors, or principal owners:  (i) Is or has been an officer, or principal owner of any other corporation, partnership, or association that previously failed and continues to fail to comply with any provision of this subtitle; or  (ii) Failed to comply with any provision of this subtitle; or  (3) The Secretary may not issue a license to or renew the license of an applicant if the Secretary finds that the applicant:  (i) Failed to comply with any provision of this subtitle; or  (ii) Is or has been an officer, or principal owner of any other corporation, partnership, or association that previously failed and continues to fail to comply with any provision of this subtitle.  (4) Department not to issue or renew under certain circumstances. -- The Department may not issue any new surface mining license or renew any existing surface mining license to any person if it finds, after investigation, that the applicant has failed and continues to fail to comply with any of the provisions of this subtitle.	Mandatory/Automatic		Permanent/Unspecified			Other	Criminal violations of deep mine laws. (Md. ENVIRONMENT Code Ann. § 15-618)	Any operator who mines coal by the deep mining method without having a permit or amended permit or without providing bond as provided in this subtitle, who knowingly or intentionally includes false information in the application for a permit, or who does not fully comply with the permit or adopted rules and regulations is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000.
58	Md. ENVIRONMENT Code Ann. § 15-807	Ineligible for surface mining license	Employment; Occupational and professional license and certification	(1) Penalty. -- Any person who violates the provisions of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$ 10,000. The fine shall be paid to the Surface Mined Land Reclamation Fund.	Mandatory/Automatic		Permanent/Unspecified			Other	Criminal violations of surface mining laws. (Md. ENVIRONMENT Code Ann. § 15-807 et seq.)	

	A	B	C	D	E	F	G	H	I	J	K	L
1. Citation	Title	Consequence Category	Consequence Details by licensing authority. --		Consequence Type	Supp records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
			(1) Except as provided in paragraph (3) of this subsection and subject to the provisions of subsection (f) of this section, the Administration may request a licensing authority to suspend or deny an individual's license if:  (i) 1. the individual is in arrears amounting to more than 120 days under the most recent order; and  2. A. the Administration has accepted an assignment of support under § 5-312(b)(2) of the Human Services Article; or  B. the recipient of support payments has filed an application for support enforcement services with the Administration; or  (ii) the individual has failed to comply with a subpoena issued by the Administration under § 10-108.6 of this subtitle.  (2) Except as provided in paragraph (3) of this subsection, upon (b) Grounds -- Second conviction under § 12-316 of the Commercial Law Article. [excessive fees/excessive rates of interest] --		Mandatory/Automatic		Conditional		(1) (i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.  License may be reinstated by court order, payment in full, paying ordered amount for consecutive months, or compliance with a subpoena if that was the reason for the suspension			Md. FAMILY LAW Code Ann. § 10-203:  (e) Failing to support minor child. -- A parent may not willfully fail to provide for the support of his or her minor child.  (c) Penalties. -- An individual who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100 or imprisonment not exceeding 3 years or both.
59	Md. FAMILY LAW	Deny/suspend professional/business license/certificate/registration/permit for child support arrearages	Employment; Occupational and professional license and certification; Business license and other property rights	(1) The Commissioner shall revoke the license of any licensee who is convicted twice of violating § 12-316 of the Commercial Law Article if the second violation occurs after the first conviction.  (2) The Commissioner may not issue another license to any person whose license is revoked under this subsection. ...  (c) Grounds for denial. ....	Mandatory/Automatic		Permanent/Unspecified			Other	Violation of Md. FINANCIAL INSTITUTIONS Code Ann. § 12-316	Md. FINANCIAL INSTITUTIONS Code Ann. § 12-316: 316: Any licensee or his officer or employee who knowingly violates any provision of §§ 12-303 through 12-306, § 12-308, § 12-311, § 12-313, or § 12-314 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 500 or imprisonment not exceeding 6 months or both.
60	Md. FINANCIAL INSTITUTIONS Code Ann. § 11-216	Revoke consumer lending license (banking)	Employment; Occupational and professional license and certification; Business license and other property rights	(1) An individual who has been convicted within the last 10 years of a felony involving fraud, theft, or forgery; and  (ii) An entity that has a director, officer, partner, member, or owner of 10 percent or more of the entity who has been convicted within the last 10 years of a felony involving fraud, theft, or forgery. (a) Required findings. -- The Commissioner may not issue a mortgage loan originator license unless the Commissioner makes, at a minimum, the following findings: ...  (2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court. ...	Mandatory/Automatic		Specific Term	10 years		Crimes involving fraud, dishonesty, misrepresentation or money-laundering		Felony only
61	Md. FINANCIAL INSTITUTIONS Code Ann. § 11-506	Deny mortgage lender license (conviction of mortgage lender/director/officer/partner/ member/owner/shareholder/ partner/ officer) (banking)	Employment; Occupational and professional license and certification; Business license and other property rights	(i) During the 7-year period immediately preceding the date of the application for licensing; ...  (b) Pardon/conditions. -- A conviction for which a pardon has been granted is not a conviction for purposes of subsection (a)(2) of this section.	Mandatory/Automatic	FBI background check required. Md. FINANCIAL INSTITUTIONS Code Ann. § 11-604	Specific Term	7 years		Any felony		
62	Md. FINANCIAL INSTITUTIONS Code Ann. § 11-606	Ineligible for mortgage originator's license (7 years for any felony)	Employment; Occupational and professional license and certification; Business license and other property rights									

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Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration	Revised Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1			(a) Required findings. -- The Commissioner may not issue a mortgage license unless the Commissioner makes, at a minimum, the following findings:								
			(1) The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction;								
			(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court. ...								
			(i) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, a breach of trust, or money laundering. ...								
			(b) Pardoned convictions. -- A conviction for which a pardon has been granted is not a conviction for purposes of subsection (a)(2) of this section. ...								
			(b) Qualifications. -- Each director: ...								
			(3) May not have: ...								
			(i) Been convicted of any criminal offense involving dishonesty or breach of trust; ...								
			(5) Each member of the supervisory committee; ...								
			(i) May not have been convicted of any criminal offense involving dishonesty or breach of trust; ...								
			(2) Each member of the credit committee; ...								
			(iv) May not have been convicted of any criminal offense involving dishonesty or breach of trust; ...								
			(c) Conviction under § 5-702. --								
			(1) The Board shall revoke the license of a licensee who is convicted under § 5-702 of the Criminal Law Article.								
			(2) The Board may reinstate the license of a person whose license has been revoked under this section in accordance with the regulations adopted by the Board.								
			Deny/suspend/revoke pharmacist license (mandatory for certain prescription drug offenses) (health care)								
63	MD. FINANCIAL INSTITUTIONS Code Ann. § 11-605	Employment; Occupational and professional license; Business license and other property rights	Ineligible for mortgage originator's license (permanent for felony of fraud/dishonesty/breach of trust/money laundering)	Mandatory/Automatic	FBI background check required. Md. FINANCIAL INSTITUTIONS Code Ann. § 11-604.	Permanent/Unspecified			Crimes involving fraud, dishonesty, misrepresentation or money-laundering		Felony only
64	MD. FINANCIAL INSTITUTIONS Code Ann. § 6-325	Employment; Occupational and professional license and certification	Ineligible to be director of credit union (crime of dishonesty/breach of trust) (banking)	Mandatory/Automatic		Permanent/Unspecified			Crimes involving fraud, dishonesty, misrepresentation or money-laundering		
65	MD. FINANCIAL INSTITUTIONS Code Ann. § 6-401	Employment; Occupational and professional license and certification	Ineligible to serve on credit union supervisory committee (banking)	Mandatory/Automatic		Permanent/Unspecified			Crimes involving fraud, dishonesty, misrepresentation or money-laundering		
66	MD. FINANCIAL INSTITUTIONS Code Ann. § 6-602	Employment; Occupational and professional license and certification	Ineligible to serve on credit union (banking)	Mandatory/Automatic		Permanent/Unspecified			Crimes involving fraud, dishonesty, misrepresentation or money-laundering		
			(a) Prohibited. --								
			(2) A person subject to this subsection may not knowingly sell or deliver to another a drug, medicine, chemical, or preparation for medical use that is restricted or controlled by the laws of the United States Pharmacopoeia and National Formulary or prepared according to the private formula of another that is:								
			(i) other or different from the prescription drug, chemical, or preparation that is ordered or called for by the person, or								
			(ii) except as authorized under § 12-504 of the Health Occupations Article, called for in a prescription of a physician or other authorized provider.								
67	MD. HEALTH OCCUPATIONS Code Ann. § 12-313	Employment; Occupational and professional license and certification	Reinstatement available. See Consequence Details.	Mandatory/Automatic		Permanent/Unspecified			Controlled substances offenses		(c) Penalty. --

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	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description OCCUPATIONS Code Ann. § 14-408:	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
						See Md. HEALTH OCCUPATIONS Code Ann. § 14-307; Md. HEALTH OCCUPATIONS Code Ann. § 14-308.1; Md. HEALTH OCCUPATIONS Code Ann. § 14-313 (criminal records check); Md. HEALTH OCCUPATIONS Code Ann. § 14-318 (criminal records check for license renewal); Md. HEALTH OCCUPATIONS Code Ann. § 14-411.1 (Board must disclose convictions for crimes of moral turpitude); 14-416 (Court required to suspend license if conviction to the Board within 10 days).			(b) Action under § 14-404 or § 14-5A-17. --			
				(b) Crimes involving moral turpitude. --					(1) Any person aggrieved by a final decision of the Board or a disciplinary panel under § 14-404 of this subtitle or § 14-5A-17 of this title may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.			
				(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.					(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.	Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering		
68	Md. HEALTH OCCUPATIONS Code Ann. § 14-404	Suspend physician care license (mandatory for crimes of moral turpitude)	Employment; Occupational and professional license and certification	(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General. . . .	Mandatory/Automatic		Permanent/Unspecified		OCCUPATIONS Code Ann. § 14-5A-17.1. --			
				(c) Crime involving moral turpitude. --					(a) In general. --			
				(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.					(1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.			
				(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.					(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.	Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering		
69	Md. HEALTH OCCUPATIONS Code Ann. § 14-5A-17	Suspend respiratory care license (mandatory for crimes of moral turpitude) (Physician)	Employment; Occupational and professional license and certification	(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.	Mandatory/Automatic	(criminal history check).	Permanent/Unspecified		See also COMAR 10.32.11.13 (corresponding regulation)			





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	Citation	Title	Consequence Category	Consequence Details	Consequences Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description OCCUPATIONS Code Ann. § 14-5C-19 --	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1									(a) In general -- Subject to subsection (c) of this section, on the application of an individual whose license has been revoked, a disciplinary panel, on the affirmative vote of a majority of its full authorized membership, may reinstate a revoked license.  (b) Notification to Board. -- If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.  OCCUPATIONS Code Ann. § 14-5D-15			
72	Md. HEALTH OCCUPATIONS Code Ann. § 14-5C-17	Suspend/revoke podiatrist/revolve technological for crimes (of moral turpitude) (physician)	Employment; Occupational and professional license and certification	(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.  (2) After completion of the appellate process, if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.	Mandatory/Automatic	Md. HEALTH OCCUPATIONS Code Ann. § 14-5C-06; Md. HEALTH OCCUPATIONS Code Ann. § 14-5C-12 (criminal history check); Md. HEALTH OCCUPATIONS Code Ann. § 14-5C-14 (criminal check for license renewal); Md. HEALTH OCCUPATIONS Code Ann. § 14-5C-18.1 (Board must disclose disciplinary panel decision for moral turpitude crimes)	Permanent/Unspecified			Crime of moral turpitude#Crimes involving fraud, dishonesty, misrepresentation or money-laundering	See also COMAR 10.22.06.10 (corresponding regulation).	
73	Md. HEALTH OCCUPATIONS Code Ann. § 14-5D-14	Suspend athletic trainer license (mandatory for crimes of moral turpitude) (health care)	Employment; Occupational and professional license and certification	(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.  (2) After completion of the appellate process, if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.	Mandatory/Automatic	Md. HEALTH OCCUPATIONS Code Ann. § 14-5D-18.1 (Board is required to disclose all convictions for moral turpitude crimes)	Permanent/Unspecified		(1) Any person aggrieved by a final decision of the Board or a disciplinary panel under this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.  (2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.	Crime of moral turpitude#Crimes involving fraud, dishonesty, misrepresentation or money-laundering		



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Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Releif Description OCCUPATIONS Code Ann. § 14-5E-19;	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
			(c) Suspension. --					(e) In general -- Subject to subsection (c) of this section, on the application of an individual whose license has been revoked, a disciplinary panel, on the affirmative vote of a majority of its full authorized membership, may reinstate a revoked license.			
			(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.					(b) Notification of Board. -- If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.			
			(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.					(b) Notification of Board. -- If a disciplinary panel reinstates a license under subsection (a) of this section, the disciplinary panel shall notify the Board of the reinstatement.			
				Mandatory/Automatic				OCCUPATIONS Code Ann. § 14-5E-09; Md. HEALTH OCCUPATIONS Code Ann. § 14-5E-11 (criminal history check); Md. HEALTH OCCUPATIONS Code Ann. § 14-5E-13 (criminal check or license renewal).			
76	Md. HEALTH OCCUPATIONS Code Ann. § 14-5E-18	Suspend/revoke naturopathic license (mandatory for crimes of moral turpitude) (physician)	Employment; Occupational and professional license and certification			Permanent/Unspecified		OCCUPATIONS Code Ann. § 14-5F-24;			
			(c) Suspension. --					(a) Grounds. -- Subject to subsection (c) of this section, if the Board has revoked or suspended the license of a licensee, the Board may not reinstate the license until the Board is satisfied that the individual:			
			(1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.					(1) Has complied with all the terms and conditions in the final order; and			
			(2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.					(2) Is capable of safely engaging in the practice of naturopathic medicine.			
				Mandatory/Automatic				OCCUPATIONS Code Ann. § 14-5F-11; Md. HEALTH OCCUPATIONS Code Ann. § 14-5F-13 (criminal history check); Md. HEALTH OCCUPATIONS Code Ann. § 14-5F-15 (criminal check for license renewal).			
77	Md. HEALTH OCCUPATIONS Code Ann. § 14-5F-18	Suspend/revoke naturopathic license (mandatory for crimes of moral turpitude) (physician)	Employment; Occupational and professional license and certification			Permanent/Unspecified		Crime of moral turpitude; Crimes involving fraud, dishonesty, misrepresentation or money-laundering			



	A	B	C	D	E	F	G	H	I	J	K	L
	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1				(e) In general. -- To register as an administrator, an applicant must present evidence satisfactory to the Commissioner that the applicant:								
				(1) has not been convicted of:								
				(i) a felony;								
				(ii) a misdemeanor involving moral turpitude;								
				(iii) a violation of this subtitle;								
				(iv) an attempt or conspiracy to commit any of the violations listed in subitems (i) through (iii) of this item; or								
				(v) a crime in which any other violation listed in this item is an element....								
				(a) License required. --								
				(1) Notwithstanding any provision of the Business Regulation Article, in Calvert County, a palm reader, fortune-teller, soothsayer, or similar individual shall: ...								
				(2) Before an applicant may be issued a license under this section, the applicant shall:								
				(i) be fingerprinted and photographed by the Department of State Police; and								
				(ii) obtain a certificate from the Department of State Police that indicates that the applicant has never been convicted of a crime, other than a motor vehicle violation.								
				(3) The term of the license is 3 months. ...								
				(a) Prohibition. -- A person may not excavate, remove, destroy, injure, deface, or in any manner disturb any paleontological site or any part thereof, including subsoil workings, fossils, bones, or any other paleontological features which may be found in any cave.								
				(b) Permit to excavate; duration. -- Notwithstanding the provisions of subsection (a) of this section, a permit to excavate paleontological features may be obtained from the Secretary. The permit shall be issued for a period of two years and may be renewed at expiration. It is not transferable but this does not preclude persons from working under the direct supervision of the person holding the permit.								
				(d)...A person who violates any of the provisions of subsection (b) of this section is guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$ 100 nor more than \$ 500, and the permit shall be revoked.								
82	MD. INSURANCE Code Ann. § 8-304	Ineligible to register as third party administrator of entity acting as insurer (insurance)	Employment; Occupational and professional license and certification		Mandatory/Automatic		Permanent/Unspecified			Any felony; if Any misdemeanor; if Crime of moral turpitude; if Crimes involving fraud, dishonesty, misrepresentation or money-laundering; if Other	Violation of Md. INSURANCE Code Ann. § 8 (third party administrators law)	
83	MD. LOCAL GOVERNMENT Code Ann. § 13-205	Ineligible for Calvert County fortune teller license	Employment; Occupational and professional license and certification		Mandatory/Automatic	See Consequence Details [Fingerprints required]	Permanent/Unspecified			Any felony; if Any misdemeanor		
84	MD. NATURAL RESOURCES Code Ann. § 5-1405	Revoke permit to excavate/remove paleontological features	Occupational and professional license and certification; Business license and other property rights		Mandatory/Automatic		Permanent/Unspecified			Other	Violation of laws regulating the excavation/removal of paleontological features	

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Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1.			The Commission may recall the certificate of a police officer if the certification of the police officer is suspended or revoked for any of the following reasons:  (1) the certificate was issued by administrative error;  (2) the certificate was obtained through misrepresentation or fraud;  (3) the police officer has been convicted of a felony; or  (4) the police officer has been convicted of a misdemeanor for which a sentence of imprisonment exceeding 1 year may be imposed.								Misdemeanors are limited to those for which a sentence of imprisonment exceeding 1 year may be imposed.
											Md. PUBLIC SAFETY Code Ann. § 3-212:  (a) Grounds for suspensions and revocations. -- Subject to the hearing provisions of subsection (b) of this section, the Commission may suspend or revoke the certification of a police officer if the police officer:  (1) violates or fails to meet the Commission's standards; . . . .  (b-1) Convicted of a disqualifying crime. --  (1) "Convicted of a disqualifying crime" includes:  (i) a case in which a person received probation before judgment for a crime of violence, and  (ii) a case in which a person received probation before judgment in a domestically related crime as defined in § 6-223 of the Criminal Procedure Article.  (3) "Convicted of a disqualifying crime" does not include a case in which a person received a probation before judgment.  (i) for assault in the second degree, or  Md. REAL PROPERTY Code Ann. § 7-316.1 (a). In general. -- The Commissioner may enforce the provisions of this subtitle by exercising any of the powers provided under §§ 2-113 through 2-116 of the Financial Institutions Article.
85	Md. PUBLIC SAFETY Code Ann. § 5-108 (firearms dealer's license (weapons))	Revoked/suspend police officer certification (law professional license and certification)	(1) It is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or  (2) the licensee:  (i) is convicted of a disqualifying crime;  (ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;  (iii) is a fugitive from justice;  (iv) is a habitual drunkard;  (v) is addicted to a controlled dangerous substance or is a habitual user;  Occupational and professional license and certification; Business license and other property rights	Mandatory/Automatic	See Md. PUBLIC SAFETY Code Ann. § 5-108 (states/FBI background check requirement)	Permanent/Unspecified	Md. PUBLIC SAFETY Code Ann. § 5-114 (d): Effect of suspension or revocation. -- A person whose dealer's license is suspended or revoked may not engage in the business of selling, renting, or transferring restricted firearms, unless the suspension or revocation has been subsequently withdrawn by the Secretary or overruled by a court in accordance with § 5-116 of this subtitle.	Any felony; if Any misdemeanor; if Crimes involving fraud, dishonesty, or misrepresentation or money; if Crimes of violence, including "person offenses"; if Weapons offenses; if Controlled substances offenses; if Motor vehicle offenses			Md. FINANCIAL INSTITUTIONS Code Ann. § 2-115 (b). Other authorized actions for violations. -- When the Commissioner determines after notice and a hearing, unless the right to notice and a hearing is waived, that a person has engaged in an act or practice constituting a violation of a law, regulation, rule or order over which the Commissioner has jurisdiction, the Commissioner may in the Commissioner's discretion and in addition to taking any other action authorized by law:  (2) Suspend or revoke the license of the person;  (3) Issue a penalty order against the person
87	Md. REAL PROPERTY Code Ann. § 7-322	Notify Commissioner of Financial Regulation of conviction of foreclosure consultant/foreclosure surplus purchaser (Protection of Homeowners in Foreclosure Act) (property)	(a) In general. -- If a criminal prosecution under this subtitle results in a conviction, the Attorney General or the State's Attorney who has prosecuted the case shall notify the Commissioner in writing of the conviction within 30 days of the conviction.  (b) Notice -- Required contents. -- The notice required under subsection (a) of this section shall include:  (1) The name and address of the person convicted; and  (2) A copy of the judgment in the criminal case.	Mandatory/Automatic		Permanent/Unspecified			Crimes of violence, including "person offenses"; if Other	Violation of laws regulating foreclosure consultant/foreclosure surplus purchasers	

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	Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Offenses	Additional Offense Details
1												<p>Md. REAL PROPERTY Code Ann. § 7-404.1(e): In general, -- The Commissioner may enforce the provisions of this subtitle by exercising any of the powers provided under §§ 2-113 through 2-116 of the Financial Institutions Article.</p> <p>...</p> <p>Md. FINANCIAL INSTITUTIONS Code Ann. § 2-115 (b): Other authorized actions for violations. -- When the Commissioner determines that a person is in violation of the provisions of this subtitle, the Commissioner may, in the Commissioner's discretion, after notice and a hearing is waived, that a person has engaged in an act or practice constituting a violation of a law, regulation, rule or order over which the Commissioner has jurisdiction, the Commissioner may in the Commissioner's discretion and in addition to taking any other action authorized by law:</p> <p>...</p> <p>(2) Suspend or revoke the license of the person;</p> <p>(3) Issue a penalty order against the person imposing a civil penalty up to the maximum amount of \$ 1,000 for a first violation and a maximum</p>
88	Md. REAL PROPERTY Code Ann. § 7-405	Notary Commissioner or Financial Regulation of Financial Institution under Mortgage Fraud Prevention Act (property)	Occupational and professional license and certification; Business license and other property rights; Registration, notification, and residency restrictions	(b) Reporting. -- The Attorney General or the State's Attorney, as appropriate, shall promptly report a conviction under this subtitle to the unit of State government that has regulatory jurisdiction over the business activities of the person convicted. otherwise expressly provided or as necessary implication requires	Mandatory/Automatic		Permanent/Unspecified			Other	Violation of laws regulating mortgage lending process	
				(3) Interpreter. "Interpreter" means an adult who has the ability to render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written and without explanation.								
				(4) Interpreter Eligible for Certification. "Interpreter eligible for certification" means an interpreter who is not a certified interpreter but who:								
				(A) has submitted to the Maryland Administrative Office of the Courts a completed Maryland State Judiciary Information Form for Spanish and Sign Language Court Interpreters and a statement swearing or affirming compliance with the Maryland Code of Conduct for Court Interpreters;								
				(B) has successfully completed the Maryland Judiciary's orientation workshop on court interpreting; and		See Md. Rule Appendix (court interpreter inquiry questions, including disclosures of past convictions).						
89	Md. Rule 1:333	Ineligible for court interpreter certification	Employment; Occupational and professional license and certification	(C) does not have, in a state or federal court of record, a pending	Mandatory/Automatic		Permanent/Unspecified		Eligible for certification if conviction(s) pardoned/expunged.	Any felony; Any misdemeanor		









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Citation	Title	Consequence Category	Consequence Details	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
1			Consequence Details (a) Notice of convictions. --  (1) Any driver of a commercial motor vehicle holding a driver's license issued by this State, who is convicted of violating any federal law, State law, or local ordinance relating to operating a motor vehicle in any state, other than parking violations, shall notify the Administration in the manner specified by the Administration within 30 days of the date of conviction.  (2) Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any federal law, State law, or local ordinance relating to operating a motor vehicle in this or any other state, other than parking violations, shall notify the driver's employer in writing of the conviction within 30 days of the date of conviction.  (b) Notice of suspension, revocation, or cancellation of license or disqualification. -- Any driver of a commercial motor vehicle whose driver's license is suspended, revoked, or cancelled by any state, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the driver's employer in writing of the suspension, revocation, cancellation, or disqualification before the end of the business day following the day that the driver received notice of that fact. any individual from driving a commercial motor vehicle for a period of 1 year if:	Consequence Type	Supp. records check/disclosure requirement	Duration Category	Duration Description	Relief Description	Triggering Offense Category	Additional Triggering Offenses	Additional Offense Details
MD TRANSPORTATION 96 Code Ann. § 16-805	Notify Motor Vehicle Administration/employer of any conviction of commercial driver license (driving)	Employment: Occupational license professional license and certification; Registration, notification, and residency restrictions	(1) The individual is convicted of committing any of the following offenses while driving a commercial motor vehicle:  (i) A violation of § 21-902 [DUI] of this article;  (ii) A violation of a federal law or any other state's law which is substantially similar in nature to the provisions in § 21-902 of this article;  (iii) A crime, other than a crime described in subsection (a) of this section, that is punishable by imprisonment for a term exceeding 1 year;  (iv) A violation of § 25-112 [CVISN transponder] of this article; or  (v) A violation of § 2-209 [manslaughter by vehicle], § 2-503, § 2-	Mandatory/Automatic	Permanent/Unspecified	Any felony; Any misdemeanor					MD. TRANSPORTATION Code Ann. § 16-803:  (d) Conviction. -- "Conviction" means a final unrevoked adjudication of guilt, or a determination that an individual has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unrevoked forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, a probation before judgment finding, or violation of a condition of release without bail, regardless of whether or not the penalty is related, suspended, or probated.
MD TRANSPORTATION 97 Code Ann. § 16-812	Revoke privilege to drive commercial motor vehicle (up to 3 years for specified motor vehicle offenses) (Driving/DUI)	Employment: Occupational license professional license and certification		Mandatory/Automatic	Specific Term	Up to 3 years, depending on type/number of offenses (see Consequence Details)			Any felony; Crimes of violence, including "person offenses"; Controlled substance offenses; Motor vehicle offenses		MD. TRANSPORTATION Code Ann. § 16-803:  (d) Conviction. -- "Conviction" means a final unrevoked adjudication of guilt, or a determination that an individual has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unrevoked forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, a probation before judgment finding, or violation of a condition of release without bail, regardless of whether or not the penalty is related, suspended, or probated.



# **Final Report of the Collateral Consequences Workgroup**

**Appendix G – Chart of Criminal Penalties in Maryland for  
Practicing an Occupation without a License**



## CRIMINAL PENALTIES FOR PRACTICING WITHOUT A LICENSE

### Maryland Business Occupations and Professions

<b>Occupation</b>	<b>Penalty</b>	<b>MD Code</b>
<b>Accountant</b>	A person who violates any provision of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 500 or imprisonment not exceeding 6 months or both.	2-605
<b>Architects</b>	A person who violates § 3-601, § 3-602, § 3-603, or § 3-604 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 3,000 or imprisonment not exceeding 1 year or both.	3-605
<b>Barber</b>	A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100 or imprisonment not exceeding 30 days or both.	4-607
<b>Cosmetologists</b>	A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 100 or imprisonment not exceeding 30 days or both.	5-609
<b>Docking Masters</b>	N/A	
<b>Electricians</b>	N/A	
<b>Stationary Engineers</b>	(a) Violates provisions of subtitle. -- A person who violates § 6.5-401, § 6.5-402, or § 6.5-403 of this subtitle is guilty of a misdemeanor and on conviction is subject to: (1) a fine not exceeding \$ 1,000 or imprisonment not exceeding 6 months or both; and  (2) on a second or subsequent conviction, a fine not exceeding \$ 5,000 or imprisonment not exceeding 2 years or both.	6.5-404
<b>Foresters</b>	A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000.	7-506
<b>Certified Interior Designers</b>	A person who violates § 8-501 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000.	8-502
<b>Landscape Architects</b>	A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 3,000 or imprisonment not exceeding 1 year or both.	9-605
<b>Crane Operators</b>	A person who violates this title or regulations adopted under this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000.	9.5-105

<b>Lawyers</b>	<p>Practice without admission; misrepresentation. –</p> <p>(1) A corporation, partnership, or any other association that violates § 10-601 or § 10-602 of this subtitle is subject to a fine not exceeding \$ 5,000.</p> <p>(2) An officer, director, partner, trustee, agent, or employee who acts to enable a corporation, partnership, or association to violate § 10-601 or § 10-602 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 1 year or both.</p> <p>(3) Except as provided in paragraphs (1) and (2) of this subsection, a person who violates § 10-601 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 1 year or both.</p> <p>(b) Attorney trust accounts. -- A person who willfully violates any provision of Subtitle 3, Part I of this title, except for the requirement that a lawyer deposit trust moneys in an attorney trust account for charitable purposes under § 10-303 of this title, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 5 years or both.</p> <p>(c) Other offenses. -- Except as provided in subsections (a) and (b) of this section, a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.</p>	10-606
<b>Oil and Gas Land Professionals</b>	<p>(a) In general. -- A person that violates any provision of this title or any regulation adopted under this title is guilty of a misdemeanor and on conviction is subject to:</p> <p>(1) for a first violation, a fine of not less than \$ 500 but not exceeding \$ 1,000; and</p> <p>(2) for a second or subsequent violation, a fine of not less than \$ 1,000 but not exceeding \$ 2,000.</p>	10.5-107
<b>Pilots</b>	Except as otherwise provided in this title, a person may not provide, attempt to provide, or offer to provide pilotage in the State unless licensed by the Board.	11-701
	(a) In general. -- Except as provided in subsection (b) of	11-706



	this section, a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 6 months or both.	
<b>Plumbers</b>	(a) Plumbing services. -- Except as otherwise provided in this title, a person may not provide, attempt to provide, or offer to provide plumbing services unless licensed by the Board to provide plumbing services.	12-601
<b>Private Detectives</b>	(a) Engaging in business of private detective agency without license. -- A person may not engage in, attempt to engage in, offer to engage in, or solicit to engage in a business for the purpose of providing private detective services in the State unless licensed as a private detective agency by the Secretary.  (b) Provision of private detective services by unauthorized individual. -- An individual may not provide, attempt to provide, offer to provide, or solicit to provide private detective services in the State unless certified as a private detective by the Secretary.	13-701
<b>Professional Engineers</b>	Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice engineering in the State unless licensed by the Board.	14-501
	(a) Criminal penalty. -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 500 or imprisonment not exceeding 6 months or both.	14-508
<b>Professional Land Surveyors</b>	Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice land surveying or property line surveying in the State unless licensed by the Board.	15-601
	(a) Criminal penalty. -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 500 or imprisonment not exceeding 6 months or both.	15-610
<b>Real Estate Appraisers</b>	(a) In general. -- After June 30, 1991, and except as otherwise provided in this title, an individual shall be licensed by the Commission to provide real estate appraisal services before the individual may provide real estate appraisal services in the State.	16-301
	(a) In general. -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 1 year or both.	16-706
<b>Real Estate Brokers</b>	(a) Real estate broker. -- Except as otherwise provided	

	<p>in this title, a person may not provide, attempt to provide, or offer to provide real estate brokerage services unless licensed by the Commission as a real estate broker.</p> <p>(b) Associate real estate broker and real estate salesperson. -- Except as otherwise provided in this title, a person may not, on behalf of a real estate broker, provide, attempt to provide, or offer to provide real estate brokerage services unless licensed by the Commission as an associate real estate broker or a real estate salesperson to provide real estate brokerage services for that real estate broker.</p>	17-601
	(a) In general. -- Subject to the provisions of subsection (d) of this section, a person who violates any provision of the following sections of this title is guilty of a misdemeanor and on conviction for a first offense is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 1 year or both	17-613
<b>Security Systems Technicians</b>	A person may not engage, attempt to engage, offer to engage, or solicit to engage in a business of providing security systems services in the State unless licensed by the Secretary.	18-501
	(a) In general. -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.	18-504
<b>Security Guard Agencies and Security Guard Certification</b>	A person may not engage in, attempt to engage in, offer to engage in, or solicit to engage in the business of providing security guards for hire in the State unless licensed as a security guard agency by the Secretary.	19-601
	(a) In general. -- A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.	19-607
<b>Private Home Detention</b>	<p>(a) In general. -- A person may not operate a private home detention monitoring agency in the State unless the Secretary has issued a license to the person.</p> <p>(b) Violation. -- A person who willfully and knowingly violates this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 1 year or both.</p>	20-701
<b>Individual Tax Preparers</b>	Except as otherwise provided in this title, a person may not provide, attempt to provide, or offer to provide	

	individual tax preparation services in the State unless registered by the Board.	21-401
	(b) Criminal penalties. -- A person who violates any provision of this title and who has previously been assessed a penalty under subsection (a) of this section for another violation of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 500 or imprisonment not exceeding 6 months or both.	21-405

### **Maryland Business Regulation**

<b>Occupation</b>	<b>Penalty</b>	<b>MD Code</b>
<b>Managers and promoters (agents)</b>	An athlete agent who violates § 4-413 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 10,000 or imprisonment not exceeding 1 year or both.	4-414
<b>Collection agent</b>	(a) Prohibited act. -- Except as otherwise provided in this title, a person may not knowingly and willfully do business as a collection agency in the State unless the person has a license.  (b) Penalty. -- A person who violates this section is guilty of a misdemeanor, and on conviction, is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 6 months or both.	7-401
<b>Home Improvement</b>	(a) Contractor. -- Except as otherwise provided in this title, a person may not act or offer to act as a contractor in the State unless the person has a contractor license.  (b) Salesperson. -- Except as otherwise provided in this title, a person may not sell or offer to sell a home improvement in the State unless the person has a contractor license or salesperson license.  (c) Penalty. -- A person who violates this section is guilty of a misdemeanor and, on first conviction, is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 6 months or both and, on a second or subsequent conviction, is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 2 years or both.	8-601
<b>Employment Agencies</b>	(Doing business as an employment agency without license) A person who violates this title is guilty of a misdemeanor and, on conviction, is subject to a fine not	9-401

	exceeding \$ 1,000 or imprisonment not exceeding 1 year or both.	
<b>Heating, Ventilation, Air Conditioning, and Refrigeration Contractors</b>	<p>(a) Violation of §§ 9A-501 through 9A-504. --</p> <p>(1) In this section, "officer" includes a superintendent, manager, or agent of a corporation regardless of whether the corporation provides heating, ventilation, air-conditioning, or refrigeration services.</p> <p>(2) Any person, including an officer, who violates § 9A-501, § 9A-502, § 9A-503, or § 9A-504 of this subtitle is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 6 months or both and, on a second or subsequent conviction, subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 2 years or both.</p> <p>(b) Violation of insurance requirement. -- Any person who violates any provision of § 9A-402 of this title is guilty of a misdemeanor, and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 6 months or both.</p>	9A-505
<b>Secondhand Precious Metal Object Dealers and Pawnbrokers</b>	Except as otherwise provided in this title, a person may not do business as a dealer in the State unless the person has a license.	12-501
	<p>(a) Criminal. --</p> <p>(1) A person who willfully or knowingly violates this title is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$ 10,000 or imprisonment not exceeding 2 years or both.</p> <p>(2) Each associate, employee, manager, or partner who participates in or consents to a violation of this title is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 1 year or both.</p>	12-502
<b>License to Sell Cigarettes at Retail in Counties</b>	<p>(a) In general. -- Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$ 100.</p> <p>(b) Violation of § 16-308.1 of this subtitle. -- A person who violates § 16-308.1 of this subtitle is guilty of a</p>	16-309

	<p>misdemeanor and on conviction is subject to a fine not exceeding:</p> <p>(1) except as provided in items (2) and (3) of this subsection, \$ 300;</p> <p>(2) for a second violation occurring within 2 years after the first violation, \$ 1,000; and</p> <p>(3) for a third or subsequent violation occurring within 2 years after the preceding violation, \$ 3,000.</p>	
<b>Automated Purchasing Machines</b>	<p>Except as otherwise provided in this title, a person shall have a license before the person does business as a buyer in the State.</p>	20-301
	<p>(a) Penalties. -- A person who knowingly or willfully violates this title is guilty of a misdemeanor and on conviction is subject to:</p> <p>(1) for a first offense, a fine not exceeding \$ 1,000; and</p> <p>(2) for a second or subsequent offense, a fine not exceeding \$ 5,000.</p>	20-502