

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

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

**December 1, 2016**

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**THE JUDGE ALEXANDER WILLIAMS, JR.  
CENTER FOR EDUCATION, JUSTICE & ETHICS**

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.

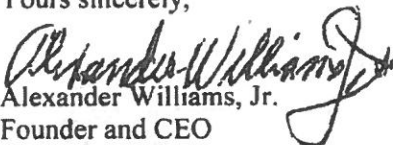
While it is clear that the scope and impact of collateral consequences are broad, vast and warrant greater assessment, the goal of this project is to develop recommendations that: promote transparency and ensure that there is uniform and consistent application of occupational licensing laws across all 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,

  
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 Workgroup received testimony from numerous stakeholders, including: returning citizens, advocates, workforce reentry program coordinators, prosecutors, and lobbyists.

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Jr. (Chair)**

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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.

## **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.