



## **Public Policy Advocacy – 2021 Legislative Session Wrap Up**

During the 90-day (virtual) legislative session in Annapolis, JOTF supported the following public policy initiatives that promote access and eliminate barriers to education, training, and job opportunities for low-income workers and job seekers:

### **VETO OVERRIDES**

#### **House Bill 1336: Repeal of the Unit Rule**

Maryland law prohibited the expungement of eligible charges within a ‘unit of charges’ (a set of charges that result from the same incident) if all charges within the unit are not eligible for expungement. This means that if one (1) charge within a unit of five (5) charges is ineligible for expungement, the eligible charges become ineligible. This notorious rule prevented thousands of Marylanders struggling to secure employment with a criminal background from securing record expungement, and limited the impact of recent expungement and shielding laws. In 2021, after 15 years, the unit rule was effectively repealed. The current law repeals the unit rule to allow for the ‘partial expungement’ of charges within a unit of charges. The law also established a ‘partial expungement workgroup’ that is tasked with developing the court procedures for partial expungement/unit rule repeal. JOTF is an appointed workgroup member. Workgroup recommendations are due to the Maryland General Assembly by January 5, 2022, to ensure codification and implementation of workgroup recommendations. [Click here to read JOTF's fact sheet.](#)

**The Maryland Senate ([31-15](#)) and House of Delegates ([99-37](#)) voted to override Governor Hogan's veto of [House Bill 1336](#).**

[House Bill 882 / Senate Bill 874](#), an emergency bill, would re-appoint JOTF to the ‘partial expungement workgroup’ and modified the workgroups tasks and deadlines to ensure the workgroup begins meeting immediately in time for the recommendations due to the MGA by January 5, 2022. Both bills have passed their respective committees. Senate Bill 874 has cleared both chambers and is awaiting Governor Hogan’s signature, and House Bill 882 is awaiting final approval in the Senate chamber.

#### **Senate Bill 684: Establishing Women’s Pre-Release Centers**

Individuals returning to society from incarceration must navigate a difficult journey that is further complicated by the challenges of securing a job with a criminal record. Pre-Release Centers were established to support this transition to reentry. In Maryland, nine centers existed for men. The only gender-specific center to support soon-to-be-released women was a co-ed pre-release facility in Montgomery County. Simply put, there are no prerelease centers for women in the state of Maryland to support their unique reentry. For the past four (4) years, JOTF has supported our partners Out for Justice and Maryland Justice Project in efforts to establish community-based gender-specific prerelease centers in Maryland. [Click here to read JOTF’s face sheet.](#)

**The Maryland Senate ([32-15](#)) and House of Delegates ([96-40](#)) voted to override Governor Hogan's veto of [Senate Bill 684](#).**

### **WORKER SUPPORTS AND BENEFITS - COVID RESPONSE**

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## [SB727 / HB1326: Expanding Paid Sick Leave in Public Health Emergencies -Maryland Healthy Working Families Act \(MHWFA\)](#)

The COVID-19 Pandemic has revealed what we've always known: our current laws are insufficient to support workers in times of emergency. The proposed legislation would expand coverage under the [Maryland Healthy Working Families Act](#) during a public health emergency by: (1) establishing public health emergency leave; (2) extending applicability to many (now deemed essential) industry workers that were originally excluded from the 2018 law (i.e. agricultural workers, temporary workers, and on-call health professionals); and (3) allowing all workers to have access to using 14 days of paid emergency sick leave during a public health emergency.

The [House Economic Matters Committee](#) explored amending the paid sick expansion language from [HB1326](#) into [House Bill 581, Maryland Essential Workers' Protection Act \(MEWPA\)](#). HB581 ensures that during public health emergencies, essential workers: (1) are allowed to work in safe and hygienic working conditions; (2) receive hazard pay; (3) are privy to their employer's emergency action plan; (4) have access to 14 days of paid sick leave and three days of paid bereavement leave; (5) are given the right to refuse dangerous work conditions; (6) and access to free testing and reporting of positive test results during a viral pandemic.

House Bill 1326 was amended into the Maryland Essential Workers Protection Act (HB581) but included harmful amendments to require verification documentation of COVID related sickness, which would change existing law under the MHWFA, a proposition that JOTF and partners have been resisting for years. **House Bill 581, as amended, passed the House (93-39) and Senate (32-14) and is awaiting the Governor's signature.**

## **ADULT, CORRECTIONAL, POSTSECONDARY EDUCATION / SKILLS TRAINING**

### [SB397/HB89: Expansion of Diminution Credits to Support Credentialing Behind the Fence](#)

Thousands of Marylanders exit state and local correctional facilities and return to our communities without educational or vocational experience to support their successful reentry upon release. Without these skills, the likelihood of finding gainful employment, especially with a criminal record, is nearly impossible. Currently, the state of Maryland provides up to 30 diminution credits to certain individuals who simply participate in educational programs; but, many are released without completing the program and securing any credential. Since 2013, JOTF has supported legislation to provide an additional 60-day reduction to certain incarcerated persons who successfully complete an educational or vocational program and secure credentialing. [Click here to read JOTF's fact sheet.](#)

This session, [the proposed legislation was amended to \(1\) prevent the stacking of diminution credits for multiple degrees \(i.e. achieving two bachelor's degrees will only profit one 60-day credit instead of two\), \(2\) exclude those convicted of a sexual offense, and \(3\) reduce the benefit to 40 days for those convicted of a crime of violence.](#)

House Bill 89 passed through both chambers (House 89-46/ Senate 47-0) and awaits the Governor's signature.

## **DECRIMINALIZING POVERTY & RACE: ACCESS TO AFFORDABLE MOBILITY**

### [SB552 / HB221: Prohibiting Credit History in Auto Insurance Rates](#)

Maryland law allows private auto insurers to utilize non-driving related factors including credit scores, education level, occupation, and zip code to set insurance premiums. The use of these factors results in disproportionately high premiums for low-income workers of color who simply can't afford it. This session, JOTF supported legislation that would prohibit the use of credit history as a cost factor in auto insurance rates. [Click here to read JOTF's fact sheet.](#)

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Senate Bill 552 was withdrawn by the sponsor when it became clear that there would be no real consideration given to the legislation. Unfortunately, in an effort to “move the bill”, the [House Economic Matters Committee](#) adopted a toxic amendment to the House bill proposed by the [National Conference of Insurance Legislators \(NCOIL\)](#). [The amendment completely guts the legislation and undermines its intent, replacing it with vague language.](#) The amended legislation would require drivers to contact the auto insurer with proof that they are facing a “catastrophic emergency” (death of a spouse, loss of a job, etc.) to potentially be considered for a *slight* premium adjustment. There is no enforcement mechanism and the industry maintains the right to discriminate based on credit history, which is unrelated to driving ability.

Last-minute initiatives were made by the sponsor to amend SB552 into HB221 to transform the bill before it passed through the General Assembly, but HB221 failed to reach 3rd Reader before Sine Die.

## **DECriminalizing POVERTY & RACE:**

Pretrial, Child Support, Fines & Fees, Expungement, Voting Rights

### **SB23/HB316: Eliminating Costly Supervision Fees in Pretrial for Low-Income Residents**

During the pandemic, the courts moved to release pretrial defendants to home detention. In most jurisdictions, the courts contract with private home detention monitoring companies, where the defendant is responsible for home detention monitoring fees. These fees include set up, daily rates of up to \$20 per day, urinalysis, and disconnection fees. If the defendant is unable to pay the monitoring fees, they risk incarceration as payment of fees is a condition of release and nonpayment triggers a ‘violation of release’. So the move to assign defendants to home detention in an effort to reduce the pretrial population and a reliance on cash bail resulted in persons being re-incarcerated due to costly fees. This is the criminalization of poverty and race, and is most pronounced in Baltimore City and Prince George’s County where the impact falls disproportionately on low-income Black workers. [Click here to read JOTF's fact sheet.](#)

The legislation as introduced would require the state or locals to cover the costs of home detention fees for indigent pretrial defendants. [As amended, the legislation would \(1\) require the state and locals to cover home detention fees for indigent pretrial defendants and \(2\) establish a workgroup to study the path towards the elimination of home monitoring fees.](#) Additionally, the state will use \$5M of federal relief funding to cover these costs, overwhelmingly more than what we expected to receive.

**House Bill 316 passed the House (95-43) and is headed to the governor’s desk for signature.**

### **SB402/HB580: Repealing Driver’s License Suspensions For Low-Income Obligor**

Child support enforcement policies and practices fail to differentiate between 'dead beat' and 'dead broke' parents. Current law allows the Motor Vehicle Administration to suspend the driver’s licenses of non-custodial parents, who are overwhelmingly unemployed or underemployed, crippling any chance they have of legally driving to or finding work. The proposed legislation would eliminate the automatic suspension of driver’s licenses for the non-payment of child support if an obligor makes less than 300% FPL. [Click here to read JOTF's fact sheet.](#)

Prior to the bill hearing, JOTF proposed amendments that would repeal driver’s license suspension as a penalty for nonpayment of child support for obligors earning 300% FPL (\$38,640) or less to comply with federal guidelines. As amended, the bill faced no vocal opposition in either committee hearing. Yet, neither bill received a committee vote under pressures from committee members surrounding more public-facing legislative items that required more attention.

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## **House Bill 699: Eliminating Incarceration for Driving on Suspended License or Uninsured**

In Maryland, driving on an invalid (suspended, canceled, or revoked) license or without auto insurance is a crime punishable by up to one (1) year in jail, a \$1000 fine, or both. Due to state-owed arrears and insufficient access to affordable auto insurance options, many low-income workers drive uninsured due to unaffordable car insurance rates and/or with suspended or revoked licenses due to child support debt and other court-related fines and fees. Interactions with law enforcement result in additional fines and fees and incarceration, effectively criminalizing poverty, and race given the disproportionate impact in Black communities. This proposed legislation would eliminate imprisonment as a possible penalty for a person convicted of these violations and reduces the maximum fine for these offenses from \$1000 to \$50.

Unfortunately, the bill stalled due to “public safety” concerns articulated by MDOT. After lengthy negotiations, the legislation was amended to retain the \$1000 fine and prohibited incarceration for (1) driving on a suspended license for child support and (2) driving without auto insurance. Despite the collaboration, the House subcommittee refused to move the bill as committee counsel indicated weak support among committee members for the issue.

After much negotiation with MDOT and the MVT Subcommittee of the Environment and Transportation Committee, the bill was set for passage. However, on the Thursday after Crossover, the MVT counsel expressed the subcommittee’s disinterest in decriminalizing poverty in the transit sector.

## **House Bill 238: Automatic Expungement - Non Convictions**

A criminal record can easily be both the cause and consequence of poverty. A criminal record is acquired upon arrest whether or not a person is ever convicted of a crime, and anything that occurs after an arrest is documented on an individual’s criminal record. In Maryland, that information remains publicly available until the charges and dispositions are expunged and/or shielded. Many workers are disqualified due to the record and many are unaware they have a record until they are denied the job. [Click here for JOTF's fact sheet.](#)

For the 10th year in a row, JOTF championed legislation to provide for the automatic expungement of eligible non-convictions. House Bill 238 was amended to remove stets and PBJs from the bill as this would significantly reduce the fiscal note and assuage oppositional testimony demanding that the bill only focus charges verified by the courts as not guilty. [Senate Bill 201 was amended to mirror the exact language of HB238.](#)

**Senate Bill 201 passed the Senate (47-0) and House (101-36) and is awaiting the Governor’s signature.**

## **SB898 / HB1331: Maryland Criminal Justice Debt Elimination and Prevention Act of 2021**

In 2018, [JOTF released our groundbreaking report that highlighted the many ways that Maryland laws effectively criminalized low-income workers, many of whom are overwhelmingly Black.](#) The second chapter of the report focused on the various court-mandated fines and fees that further criminalize and penalize low-income workers of color. These fees are imposed in the pretrial, sentencing, incarceration, and post-conviction phases and include GPS monitoring, public defender representation, room and board during incarceration, probation and parole, work release, expungement, and much more. These fees further punish and impoverish indigent communities of color, who are overrepresented in the criminal justice system and are ineligible for forgiveness through bankruptcy.

JOTF supported legislation modeled off legislation currently matriculating through the New York state legislature. The proposed legislation would eliminate many of the costly, predatory criminal justice fines and fees detailed in our 2018 report that generate revenue to support state and local government functions but effectively cripple lower-income communities of color and saddle many with lifelong debt.

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JOTF offered amendments to establish an interim study workgroup to take a thoughtful approach to the elimination of certain court-mandated fines and fees in 2022. Even though the bill was amended into a workgroup to study the issue and garner more data on state debt collection practices, it still failed to be put for a vote by either committee.

## **SB224/HB222: “Value My Vote Act” – Expanding Voting Access to Pretrial Defendants, Misdemeanants**

In 2016, Maryland restored the right to vote for individuals with a felony conviction. However, during the implementation of the law, voting rights advocates and voters with a felony conviction found significant gaps. Moreover, bail reform advocates found that pretrial defendants and inmates convicted of misdemeanor convictions lacked access to the ballot. In an effort to ensure all eligible voters have access to the ballot, JOTF and partners have supported legislation for the past four (4) years that would require the state to develop a process for ballot access for pretrial defendants and misdemeanants, provide ‘ballot drop boxes’ in detention centers, and ensure inmates are equipped with electoral information.

**House Bill 222 passed the House (99-40) and has been sent to the governor’s desk for signature.**