



OUT FOR JUSTICE

## 2023 Legislative Wrap-Up



April 10<sup>th</sup>, Sine Die, marked the end of the 445<sup>th</sup> legislative session of the Maryland General Assembly. Out for Justice (OFJ) would like to sincerely thank you, our members and partners, for investing your time and talents into our continued advocacy work on behalf of returning citizens throughout Maryland.

This year, Out for Justice employed a progressive, community-driven legislative strategy that removed barriers to re-entry, improved conditions behind the walls, and advanced equity and civil rights primarily for formerly incarcerated persons. We also moved to dismantle any legislation that sought to criminalize poverty or disproportionately increase carceral penalties on majority-minority communities.

Unlike previous sessions, which had primarily virtual meetings and hearings, both chambers started in January 2023 holding in-person meetings, floor sessions, and committee meetings. The 2023 legislation session saw many elected officials sworn into new positions and newly appointed members to Governor Wes Moore's administration:

- Governor Wes Moore
- Lieutenant Governor Aruna Miller
- Attorney General Anthony Brown
- Comptroller Brooke Lierman
- [Click here for a full list of new Delegates & Senators](#)
- [Click here for a full list of new Cabinet Secretaries & Appointments](#)

**Get Involved!**

Call our office at (443)-563-2123, or email us at [getinfo@out4justice.org](mailto:getinfo@out4justice.org) if you want to learn more about our policy agenda for the 2023 Maryland Legislative Session. We are always looking for more people to join our advocacy efforts in Annapolis!



Along with new members came several announcements from members who do not plan on returning to the General Assembly in 2024. These include:

- Delegate Tony Bridges (D) District 41, Baltimore City
- Delegate Kirill Reznik (D) District 39, Montgomery County
- Delegate Darryl Barnes (D) District 25, Prince George's County
- Delegate Kumar Barve (D) District 17, Montgomery County
  - With the departure of Environment and Transportation Chair Delegate Barve, more leadership changes are likely to come.

2,284 bills were introduced during the legislative session with 1,305 originating in the House and 979 in the Senate. Legislators considered a wide range of issues: climate change, renewable energy, recreational marijuana, abortion, gun safety, criminal justice reform, education funding, child sexual abuse, and access to gender-affirming care, to name a few.

The Out for Justice Policy Team tracked 76 bills that would directly impact our members. We submitted **written testimony on 35 bills** and **testified orally on over 40**. Further, our members communicated directly with dozens of legislators and government officials, generated over 31 multi-media policy alerts, and **participated in multiple statewide, policy-focused coalitions**. Our central budgetary priority this session was the continued fight for the Women's Pre-Release Center funding that we successfully passed in 2020. Following is a list of bills we advanced during the 2023 legislative session and core priorities we intend to keep fighting for.

## 2023 Legislative Wins

### 1) **Funding for Women's Pre-Release**

As co-leaders of the Women's Prerelease Equity Coalition, we have advocated for equitable and gender-responsive pre-release services. As a result, we secured the necessary funding for the next phase of women's pre-release. The Governor and the General Assembly agreed to provide a \$5 million budgetary appropriation for FY24 and a \$2.5 million appropriation preauthorized for FY25 and FY26.

✓ **PASSED** Maryland legislators allocated the funds necessary to begin implementing SB684

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## 2) The REDEEM Act of 2023 ([SB0037](#)/[HB0097](#))

Maryland has some of the longest waiting periods for criminal record expungement in the nation: 10 years to expunge an *eligible* misdemeanor and 15 years to expunge an *eligible* non-violent felony. Expungement is only accessible *after* returning citizens have completed their entire sentence, including parole, probation, or any other mandatory supervision. Along with our partners at the Job Opportunities Task Force and the Office of the Public Defender, Out for Justice sought to pass the REDEEM Act, which cuts those expungement waiting periods in half.

✓ **PASSED:** After years of fighting, this bill has passed and reached the governor's desk for signature.

## 3) Prince George's Reentry Employment Incentive Program ([SB0156](#)/[HB0464](#))

After Baltimore City, Prince George's County is home to the second largest population of returning citizens in Maryland with over 60% struggling to find employment one year after release. Thus Prince George's County created the Re-entry Employment Incentive Program to motivate employers to hire returning citizens by subsidizing their wages. Senate Bill 156 provides a \$500,000 appropriation each year for the program from FY25-FY28.

✓ **PASSED:** This bill has passed and reached the governor's desk for signature.

## 4) Trans Health Equity Act ([SB0460](#)/[HB0283](#))

Out for Justice is committed to equitable health access for Marylanders of all genders. Senate Bill 460 requires the Maryland Medical Assistance Program to provide gender-affirming care for individuals seeking to transition. Out For Justice testified in SUPPORT of this bill.

✓ **PASSED:** This bill has passed and reached the governor's desk for signature.

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## **Changes We Need to Keep Fighting For**

The following bills were priority legislation for Out for Justice but did not pass this year. OFJ will spend the interim gradually building support around these issues and advance them again in 2024.

### **1) Good Cause Expungement ([SB0017](#)/[HB0664](#))**

Current law states that courts may grant a petition for expungement at any time on a showing of good cause if the charges resulted in a non-conviction, probation before judgment, stet, or if the charge was vacated. House Bill 664 adds the “Good Cause” Expungement Provision in Criminal Procedure §10–105(i.e. non-convictions) to Criminal Procedure §10–110 (i.e. convictions) allowing the courts, who levy charges against the individual, to expunge those charges as they see fit.

### **2) Child Support: Repealing License Suspension for Low-Income ([SB0164](#)/[HB0326](#))**

Child support enforcement policies and practices fail to differentiate between 'deadbeat' 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 and low-income, crippling any chance they have of legally driving to or finding work. A vast majority of license suspensions occur *while an individual is incarcerated* with no ability to pay. Senate 164 would have eliminated the automatic suspension of driver's licenses for the non-payment of child support if an obligor makes less than \$41,000 annually.

### **3) Prevention of Forced Infant Separation ([SB0759](#)/[HB0523](#))**

The majority of incarcerated women are mothers, and many of these mothers are the primary caretakers of their children. Current law separates incarcerated pregnant mothers from their children at the point of birth causing irreparable harm to both parties. Senate Bill 759 sought to shift a pregnant woman on prerelease to the upcoming Women's Pre-release facility during her pregnancy. Upon birth, the child would be allowed to stay with the mother for up to one year.

### **4) Medical & Geriatric Parole ([SB0033](#))**

Research suggests that elderly or terminally ill incarcerated citizens pose no threat to public safety yet, under current law, must remain in prison for life if the state demands it.

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This leads to massive cost overruns and early deaths due to the poor healthcare and medical treatment options provided to incarcerated citizens within most state prisons. Moreover, if the courts decide that an elderly/sick individual should be released on parole, they must wait for the governor's approval which could take up to a year. To mitigate the issue, Senate Bill 33 sought to remove the Governor from the parole process for incarcerated citizens that are either terminally ill or reaching their twilight years.

#### **5) Correctional Ombudsman ([SB0087](#))**

There is no independent oversight of Maryland's Corrections Department leading to constant reports of abuse, neglect, coercion, and criminal activity from Maryland residents. These infractions often cost the state millions of dollars annually and are exacerbated by the fact that the Department is in charge of policing its own staff - a major conflict of interest. Senate Bill 87 sought to establish a Correctional Ombudsman in the Attorney General's Office to monitor and prevent potential abuses by the Corrections Department.

#### **6) Jury Disqualification ([SB0097](#))**

There are over 1.6 million Marylanders with a criminal record barred from jury duty - ensuring that returning citizens have no voice in how justice is dispensed by the courts. Without the voices and experiences of those who've experienced incarceration weighing in, Maryland's sentencing and conviction system is dangerously biased. Senate Bill 97 restores jury participation rights to formerly incarcerated citizens within reason.

#### **7) Virtual Court Access ([HB0133](#))**

During the COVID-19 Pandemic, court proceedings moved to an almost entirely online format allowing participants and their families access to the court regardless of their physical location.

As pandemic-era restrictions were lifted, so was virtual access to the courts - removing a level of transparency and scrutiny from court proceedings that revolutionized how trials were held in America. House Bill 133 sought to make transparency the standard throughout Maryland.

**THANK YOU!**

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We thank you, our partners and members, for your consistency in supporting the work of Out for Justice. This work can't be done without your tireless efforts and dedication to improving the lives of systems-impacted persons all throughout Maryland! Out for Justice will continue to fight for formerly incarcerated persons and ensure that our rights are restored, and our voices are heard!

### **Key Upcoming Legislative Dates**

May 10<sup>th</sup> – Final date for an extended session

May 30<sup>th</sup> - Day after presentment – Governor to sign/veto bills by this date. Other than emergency bills and as otherwise provided, this is the earliest date for bills to take effect

June 1<sup>st</sup> – Other than emergency bills and as otherwise provided, the earliest date for bills to take effect

July 1<sup>st</sup> – Budgetary, tax, and revenue bills to take effect

October 1<sup>st</sup> – Usual effective date for bills

November 1<sup>st</sup> – Statutory deadline for members of the General Assembly to request the drafting of prefiled bills

November 20<sup>th</sup> – Statutory deadline for members of the General Assembly to approve drafted bills for prefile introduction

December 28<sup>th</sup> - Compilation of Legislative Committee Reports on Interim Activities to be submitted to the Legislative Policy Committee and the General Assembly

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