Justice Reinvestment Oversight Board Meeting

Monday, March 10, 2025
1:00 p.m. - 3:00 p.m.

Maryland
GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY

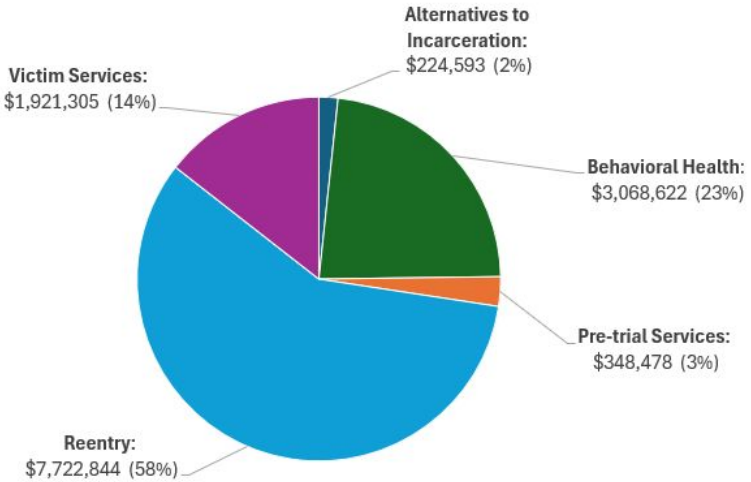
Meeting Goals and Objectives

- Departmental Reports
- Certificate of Rehabilitation Eligibility
- Legislative Priorities
- Next Steps

GOCPP Updates

JRA Funding

- FY25
  - Total awarded - $13,285,842.00
  - Q2 JRA report - 30.09% requested
  - Q2 PIGF report - 31.77% requested
- FY26
  - Released 02/21/25
  - Applications due 04/11/25
    - State agencies - $500k
    - Local govt. - $400k
    - Nonprofits - $250k
  - Peer reviewers needed



The Performance Incentive Grant Fund (PIGF/PJRA)

Maryland
GOVERNOR'S OFFICE OF CRIME PREVENTION AND POLICY

HISTORY:

The Justice Reinvestment Act (JRA) is a data-driven approach used to improve public safety, reduce corrections spending, and reinvest savings in evidence-based strategies to reduce crime and recidivism.

ELIGIBLE TO APPLY:

Funding Category A:
- State Agencies
- Community-Based Nonprofit Organizations

Funding Category B:
- Local government entities
  - Local detention centers
  - Local health departments
  - Local courts
  - County government agencies

PROGRAM REQUIREMENTS:

Category A: JRA Funding Initiatives
1. Reentry Programming & Services
2. Behavioral Health Treatment, Resources, & Services
3. Restitution Collection Processes for Victims of Crime
4. Training & Education for Criminal Justice Decision Makers (MD State Agencies Only)

Category B: Local Funding Initiatives
1. Reentry Programming & Services
2. Behavioral Health Treatment, Resources, & Services
3. Support for Victims & Victims' Rights
4. Diversion Programming
5. Pretrial Services & Programming

Applicants will be given additional priority if project design addresses the following populations/needs:

- Expanding access to behavioral health programming
- Establishing reentry hubs that provide wraparound services to returning citizens
- Justice-impacted women and veterans
- Rural communities
- Victim restitution enhancements

CATEGORIES FUNDED:

- Contractual Services
- Equipment
- Operating Expenses
- Personnel

DESCRIPTION:

- PIGF is a result of the reform savings generated by Maryland's JRA.
- JRA reforms are centered on safely reducing Maryland's prison population by:
  - Incorporating more evidence-based programming to improve reentry outcomes
  - Reducing impacts of incarceration on communities
  - Providing more resources to victims of crime
  - Connecting nonviolent offenders with behavioral health needs to community support

SCAN HERE FOR MORE INFROMATION

Brandi Cahn, *(brandi.cahn1@maryland.gov);* ***Jackie Adams,*** *(jacqueline.adams1@maryland.gov)*

Departmental Updates

Department Reports

- Department of of Public Safety and Correctional Services
- Maryland Department of Health
- Maryland Correctional Administrators Association
- Administrative Office of the Courts

Technical Violations

All cases that had a technical violation sentence since October 1, 2017, regardless of the original sentencing date for the period of October 1, 2024 through December 31, 2024.

Total sentences for technical violations	160
Number of 15 day or less revocation sentences imposed for technical violations (Number with a technical VOP 1 with a sentence of 15 days or less)	98
Number of 30 day or less revocation sentences imposed for technical violations (Number of technical VOP 2 with a sentence of 30 days or less)	22
Number of 45 day or less revocation sentences imposed for technical violations (Number of technical VOP 3 with a sentence of 45 days or less)	2
Number of revocation sentences of more than 45 days imposed for technical violations	21
Number of revocation sentences imposed that were greater than the revocation cap	34
Number of full revocation sentences imposed for technical violations	69

Certificates of Rehabilitation and Limited Relief

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Jessica Guarino, Esq.

Certificates of Rehabilitation and Limited Relief

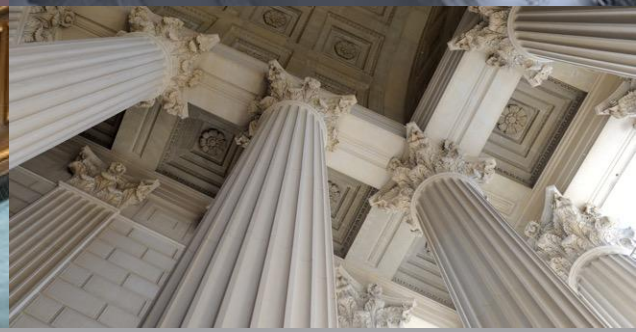
Jessica Guarino, Esq.

Policy Analyst, Criminal & Civil Justice Program

Maryland Justice Reinvestment Oversight Board: Feb. 12, 2025





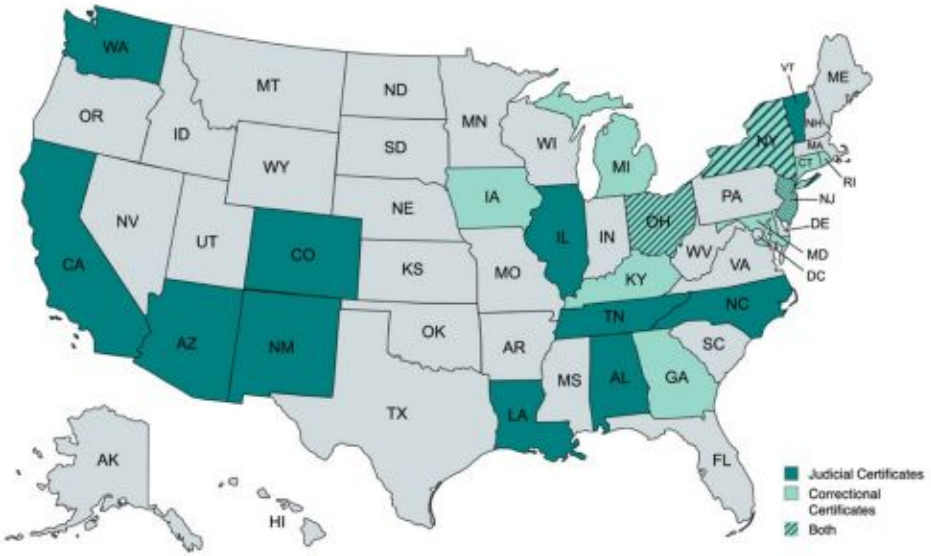


Who is NCSL

- **Non-profit, bi-partisan organization.**
- **Members are all 7,386 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.**
- **Offices in Denver and D.C.**
- **Among our goals - to provide legislatures with information and research about policy issues, both state and federal.**
- **NCSL tracks state policy developments in all public policy areas.**



Map of Judicial and Correctional Certificates of Relief



Judicial	Correctional Certificates	Both
Alabama	Connecticut	New Jersey
Arizona	Georgia	New York
California	Iowa	Ohio
Illinois	Maryland	
Louisiana	Michigan	
New Mexico	Rhode Island	
North Carolina		
Tennessee		
Vermont		
Washington		

Certificates of Rehabilitation and Limited Relief, Generally

NCSL Report on Certificates of Rehabilitation and Limited Relief, 2022

Source: Map by the Collateral Consequences Resource Center, A Report on Certificates of Relief, June 2024

Judicial Certificates of Rehabilitation and Limited Relief



- **11 states make relief available as part of the case procedure**
  - Part of sentencing order:
    - Colorado, Illinois, Louisiana, New Jersey, New Mexico, New York
  - Application post-sentence:
    - Arizona, North Carolina, Tennessee, Washington
- **7 states allow for relief at sentencing if eligible**
- **4 states allow for application for a certification after waiting period**
  - California: up to 10 years
  - Ohio: 3 years for a felony
- **Many states require a hearing.**

Eligibility for Judicial Certificates of Relief

[Source: Collateral Consequences Resource Center]

State and Certificate	Eligibility
Alabama Order of Limited Relief Ala. Code § 12-26-1 *et seq.*	Available from civil court in county where crime occurred for any offense with no waiting period, or for federal convictions where person resides.
Arizona Certificate of Second Chance Ariz. Rev. Stat. § 13-905(A), (J)-(N)	Available from sentencing court after set-aside of conviction; No waiting period for misdemeanors, a single felony eligible 2-5 years after completion of sentence; violent and sexual offenses ineligible.
California Certificate of Rehabilitation Cal. Penal §§ 4852.01 through .06, 4852.19	Available from court of conviction or court in county of residence to any felony or misdemeanor sex offense 7-10 years after completion of sentence, including 5 years California residency; Assistance in applying from public defenders, probation, or parole officers.
Colorado Order of Collateral Relief Colo. Rev. Stat. § 18-1.3-107	Available from court at sentencing or any time thereafter, excluding felonies involving violence or sexual offenses.
Illinois Certificate of Relief from Disabilities 730 Ill. Comp. Stat. Ann. 5/5-5.5-5 *et seq.*	Available from court at sentencing or any time thereafter excepting certain violent and sexual offenses. Those with federal and out of state convictions apply where they reside.
Louisiana Certificate of Employability La. Rev. Stat. Ann. § 23:291.1	Available from reentry court (included for diverted cases). Excludes crimes of violence and sexual offenses.
New Jersey Certificate of Rehabilitation N.J. Stat. § 2A:168A-1 *et seq.*	Available from sentencing court if no prison sentence imposed (thereafter from supervisory agency 3 years after completion of supervision). Only single felony conviction eligible, excluding first-degree crimes or crimes requiring registration.
New Mexico Order of Limited Relief N.M. Stat. Ann. §§ 31-29-10 *et seq.*	Available from court at sentencing. Any misdemeanor or any felony eligible, including federal and out of state.
New York Certificate of Relief from Disabilities N.Y. Correct. Law § 701 *et seq.*, N.Y. Exec. Law § 296(15)	* Available from court at sentencing if no prison sentence imposed, or at any time thereafter. * Any number of misdemeanors but only one felony eligible, including federal and out of state.
orth Carolina Certificate of Relief N.C. Gen. Stat. § 15A-173.1 *et seq.*	* Available from court of conviction 1 year after completion of last sentence. * Any number of misdemeanors and no more than 3 Class H or I felonies.
Ohio Certificate of Qualification for Employment hio Rev. Code Ann. § 2953.25	Eligible individuals file applications with correctional agency as conduit to civil court in county of residence, 1-3 years after release from incarceration or completion of sentence, whichever is later.
Tennessee Certificate of Employability Tenn. Code Ann. § 40-29-107	Available from court of conviction upon completion of sentence or court in the county of residence. Any offense is eligible, including federal and out of state. Extensive character inquiry by court.
Vermont Order of Limited Relief Vt. Stat. Ann. tit. 13, § 8010	Available from court at sentencing or from the Superior Court thereafter, including federal and out-of-state convictions. Excludes 32 "listed crimes" plus drug trafficking from eligibility.
Vermont Certificate of Restoration of Rights Vt. Stat. Ann. tit. 13, § 8011	Available from court of conviction 5 years after completion of sentence, including federal and out-of-state convictions. Excludes 32 "listed crimes" plus drug trafficking from eligibility.

Effect of Judicial Certificates of Relief



- **Licensing boards prohibited from denying licensure:**
  - Arizona, California, Colorado, New Jersey, Washington
  - Ohio
    - “Rebuttable presumption that the person’s criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certificate in question.”
- **Limited Liability for Negligent Hiring: 10 states**
  - Absolute immunity
    - Illinois, Louisiana, North Carolina, Ohio, Tennessee, and Washington
  - Presumption of limited liability for the employer
    - New York
  - Evidence of Employer’s Due Care
    - Ohio, New Mexico, and Vermont

Correctional Certificates of Relief



- **Granted to those exiting prison:**
  - Georgia, Iowa, Kentucky, Michigan, and Ohio
  - Only Ohio requires eligible individuals to apply
- **Probation Completion**
  - Georgia
- **Parole Completion**
  - Connecticut, Maryland, New Jersey, New York, Rhode Island
  - Only New York's Parole Board makes relief automatic to those who are eligible

Eligibility for Correctional Certificates of Relief



- **Georgia, Iowa, Kentucky and Michigan issue certificates upon release**
  - Criteria considered include:
    - Clean disciplinary record
    - Completing vocational training
    - Completing educational programming
  - Certain violent and sex crimes excluded

Effect of Correctional Certificates of Relief



- **Require Licensing Agencies to Consider as Evidence**
  - Iowa, Michigan, and Rhode Island
- **Limit Employer Liability**
  - Michigan provides employers with absolute immunity against negligent hiring claims.
- **State Example: Connecticut**
  - Certificate of Employability
    - Creates a presumption of rehabilitation in favor of the holder when applying for a license.

Financial Impact of Certificates of Rehabilitation and Limited Relief

- **Alabama:**
  - "would increase the obligations of the licensing boards by an undetermined amount dependent upon the cost to:
    - 1. make a determination of whether an individual's criminal conviction would disqualify an individual from obtaining the occupational license being sought, upon request; and
    - 2. adopt rules to implement the provisions of the bill."
  - Increase in obligation may be offset, wholly or partly, by a collection of a $20 fee per request to offset the administrative cost of the determination.
  - Since 2019, there have been 11 petitions for Orders of Limited Relief for a total of $1,100
- **Maryland**
  - From October 1, 2020 through September 30, 2021, 12 applications for certificates of rehabilitation were received; 10 were issued, with the rest being denied primarily because the applicant failed to pay all required restitution, fines, and fees.

Efficacy Studies

- The Effectiveness of Certificate of Relief: A Correspondence Audit of Hiring Outcomes
  - “Results showed that certificate holders with criminal history received significantly fewer callbacks than those with no criminal record and fared no better than those with an identical criminal record and no certificate.”
- Criminal Records and Housing: An Experimental Study
- The Effectiveness of Certificates of Relief as Collateral Consequences Relief Mechanisms: An Experimental Study
  - “When applying for jobs that did not explicitly bar applicants with criminal records, ex-offenders holding certificates received nearly three times as many interview invitations or job offers as those with equivalent criminal records and qualifications but not certificate.”
- An Analysis of Certificates of Rehabilitation in the United States



Thank you for joining today!

Jessica Guarino

Policy Analyst

Jessica.Guarino@ncsl.org

www.ncsl.org

@NCSLorg

Denver
7700 East First Place,
Denver CO 80230

Washington D.C.

444 North Capitol Street, N.W.
Suite 515,
Washington, D.C. 20001

Legislative Priorities

2025 Legislative Priorities

- Legislative priorities
  - Correctional Services - Medical and Elder Parole

Next Steps

- Next Meeting: April 30, 2025

JRA Staff Contact Information

Brandi Cahn, Assistant Director, Justice Reinvestment,

Brandi.Cahn1@maryland.gov

Lindsey McCullough, JRA Coordinator,
Lindsey.McCullough@maryland.gov