

**ACLU\_\_FAV\_SB 687**

Uploaded by: Amanuel, Yanet

Position: FAV



## Testimony for the Senate Judicial Proceedings Committee

February 26, 2020

YANET AMANUEL  
PUBLIC POLICY ADVOCATE

### SB 687 Criminal Procedure - Expungement of Conviction - Driving While Privilege Is Canceled, Suspended, Refused, or Revoked

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The ACLU of Maryland supports SB 687, which would allow a person convicted of a misdemeanor for driving while their license or privilege to drive was canceled, revoked, refused or suspended to petition for expungement.

Criminal penalties, unnecessary entanglement with the criminal legal system and the accompanying criminal record—even for misdemeanors—can have severe and lasting impacts on Marylanders. Maryland took an important step towards eliminating the possibility of jail time for non-violent offenses such as driving on a suspended, canceled, refused or revoked license with the passage of HB 76 in 2019. SB 687 dovetails these efforts by allowing individuals previously convicted of these misdemeanors to petition for expungement.

#### **Criminal records exclude individuals from employment**

The existence of a misdemeanor criminal record can and does create a barrier to employment for many Marylanders. More than 80% of U.S. employers perform criminal background checks on prospective employees.<sup>1</sup> Under current regulations, a misdemeanor conviction in Maryland may result in the denial, suspension, or revocation of myriad business licenses, including: a barber license,<sup>2</sup> a cosmetology license,<sup>3</sup> an electrician license,<sup>4</sup> professional engineer license,<sup>5</sup> a landscape architect license,<sup>6</sup> an interior designer certificate,<sup>7</sup> and countless others.

#### **Misdemeanor convictions disparately disadvantage individuals, families, and communities of color**

The over-criminalization of communities of color—largely due to the ‘war on drugs’—has produced the startling result that one in three Black men born today

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<sup>1</sup> Burke, M.E., 2004 *Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management*, Alexandria, Va.: Society for Human Resource Management, 2006.

<sup>2</sup> Md. Business Occupations and Professions, Code Ann. § 4-314

<sup>3</sup> Md. Business Occupations and Professions, Code Ann. § 5-314

<sup>4</sup> Md. Business Occupations and Professions, Code Ann. § 6-316.

<sup>5</sup> Md. Business Occupations and Professions, Code Ann. § 14-317.

<sup>6</sup> Md. Business Occupations and Professions, Code Ann. § 9-310.

<sup>7</sup> Md. Business Occupations and Professions, Code Ann. § 8-310.

can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen white men.<sup>8</sup> In addition to facing higher imprisonment rates, people of color, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their white counterparts.<sup>9</sup>

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from misdemeanor convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuate the cycle of imprisonment plaguing communities of color.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 687.

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<sup>8</sup> Saki Knafo, 1 In 3 Black Males Will Go To Prison In Their Lifetime, Report Warns (HUFFINGTON POST, Oct. 4, 2013).

<sup>9</sup> *Id.*



## **CoryMcCray\_FAV\_687**

Uploaded by: Senator McCray, Senator McCray

Position: FAV

CORY V. McCRAY  
Legislative District 45  
Baltimore City

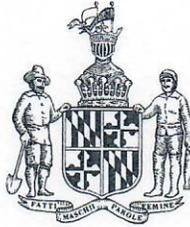
ASSISTANT DEPUTY MAJORITY LEADER

Budget and Taxation Committee

Capital Budget Subcommittee

Health and Human Services Subcommittee

Pensions Subcommittee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Vote Yes on Senate Bill SB: 687**

**Bill Title: Criminal Procedure - Expungement of Conviction - Driving While Privilege Is Canceled, Suspended, Refused, or Revoked**

**Hearing Date: February 26, 2020 at 12:00 p.m.**

**Chair: Senator William C. Smith, Jr., Vice Chair: Senator Jeff Waldstreicher**

I write to you today in reference to an important issue that affects Marylanders across the state. Senate Bill 687 will allow people who were charge without a license to expunge the charges after ten years.

We have done an exceptional amount of work around the Justice Reinvestment Act. Unfortunately, we fell short around the issue of driving without a suspended license being an expungable offense. Let me reiterate once again, Senate Bill 687 will make driving without a license an expungable offense.

In an effort to help support Maryland residents who were charged with driving without a license or driving while having a suspended license, we urge you to provide a favorable report on Senate Bill 687.

Respectfully,

  
Cory V. McCray  
State Senator

**Terrence Bradley\_FAV\_SB687**

Uploaded by: Senator McCray, Senator McCray

Position: FAV

## Written Testimony of Terrence K. Bradley

I graduated from Milford Mill High School in 1982, and attended college at Lincoln University, Catonsville Community College and Baltimore City Community College. I did not complete any of the degree programs; and dropped out to join the military, specifically the Maryland Army National Guard, in 1985. I have always managed to meet people who saw something special in me, when I did not see it for myself. While in the military, I met Major Sheridan, who after reviewing my records and scores, recommended me for Officer Candidate School (OCS). This time, I did complete the program, and was commissioned a 2nd Lieutenant in the United States Army.

After achieving that laurel, and the birth of my son at age 26, my life changed; due to opioids and alcohol. The entire 1990's decade was a virtual blur to me. I was in the complete throws of addiction; with multiple arrests and inability to sustain employment on a consistent basis. I was lost, and it affected every aspect of my life. When you are in that state, unfortunately, you drag your entire family down with you. So, by the end of the 90's, I was beaten in every way, and tired of my horrible existence. I started drug treatment in the Fall, 1999, and completed the Baltimore/STRIVE Job Placement Program, as well. Once completing STRIVE, I gained employment with the Baltimore City Youth Opportunity Program, and was required to complete the Baltimore City's Youth Practitioner Institute, through Baltimore City Community College, where I earned a certificate from the Mayor's Office. This was the first time in my life that I had a work history, remaining there for 5 years, until the program lost funding.

In 2004, I was helping a former student pursue a career as an electrician. Therefore, I went to the International Brotherhood of Electrical Workers (IBEW) Office, Local 24, to obtain information for my student. Once there, I, too, became interested in the apprenticeship program. I applied, and two weeks later, I was accepted. After completing the 5 year program, I became a licensed journeyman electrician in 2010. However, due to the economy, lay-offs became the norm. For the next 3 years, construction jobs were scarce, and work was inconsistent. Another chance meeting of a former co-worker, led me to the profession of Occupational Safety. He was an electrician, and had also been affected by the inconsistent work. This individual was working as a Occupational Safety Manager, for an electrical firm. He explained that I would need a college degree, in order to get into the profession. So, I enrolled as a full-time student and earned an Associates Degree in Occupational Safety and Health, in 2015. October 2015, I was hired by MONA Electric, as a Safety Manager, where I remain today.

Ladies and Gentlemen, I have overcome many obstacles in my life; however, my past still haunts me until today. In 2017, my ability to access Fort Detrick, which I had since 2007, was revoked. After questioning security, I was told that the background eligibility requirements had changed on the base and because of my criminal record, I was no longer permitted to work there. The security officer expressed that I would need to have the charge expunged before I

would be allowed to return. In 2018, after requesting and receiving a hearing in the Expungement Court, the judge, who expressed her desire, yet inability to help, suggested that I contact my local representative for assistance in clearing my record. In another chance meeting, then Delegate, now Senator McCray, and fellow electrician, after hearing my story, offered to help.

Today, I am asking you to allow me to expunge the following conviction: Driving motor vehicle while license suspended. From this expungement, I will be able to remove all of the other null processed charges. This charge has been on my record since 1996. I have broken the law, endured, given back to the community, changed my life, acquired education and meaningful employment. I am a productive member of society, residing in Baltimore County, MD, after purchasing my first home in 2017. Nevertheless, this event, which took place over 24 years ago, continues to negatively impact my life.

Respectfully and Responsibly Submitted, February 22, 2020

Terrence K. Bradley

**MCPA-MSA\_UNF\_SB 687**

Uploaded by: Mansfield, Andrea

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and  
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 26, 2020

RE: **SB 687 Criminal Procedure-Expungement of Conviction-Driving while  
Privilege is Canceled, Suspended, Refused or Revoked**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 687. This bill authorizes a person to file for a petition of expungement for driving on a canceled, suspended, refused, or revoked license.

MCPA and MSA, while understanding the desire to provide a second chance for persons in certain circumstances, generally oppose legislation that increases the categories for expungement because it could interfere with the necessary access to prior criminal information. In some instances, this could be a safety factor for law enforcement personnel in carrying out their official duties.

Each year, several pieces of legislation are introduced that seek to adjust the considerations and time frames under which expungement, pardons or shielding can be sought. MCPA and MSA believe such changes require participation and input from the judiciary, prosecutors and law enforcement and, rather than being dealt with in a piecemeal manner, should be addressed comprehensively in a process that involves all stakeholders and in a setting that is conducive to reasonable solutions while, at the same time, not effecting public safety.

For these reasons, MCPA and MSA OPPOSE SB 687 and urge an UNFAVORABLE Committee report.