



MARYLAND LEGAL AID

Advancing
**Human Rights and
Justice for All**

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March 8, 2021

Honorable William C. Smith
Chairman, Judiciary Committee
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, MD 21401

RE: Testimony Supporting Senate Bill 898 – Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee:

Thank you for the opportunity to provide testimony on this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA's Community Lawyering Initiative brings legal services directly into marginalized communities to ensure that the state's most vulnerable citizens have access to advocacy within the justice system. The Community Lawyering Initiative assists individuals and families with a wide array of legal issues, including criminal record expungement. Since July 2016, MLA has represented over 10,000 Marylanders with expungement cases and filed over 50,000 petitions for expungement. This has allowed clients greater access to housing, employment, and other opportunities for themselves and their families. MLA supports SB 898 and asks that this committee give it a favorable report.

SB 898 will benefit many Marylanders, especially those in communities that are subject to over-policing and other manifestations of systemic oppression. Criminal justice related fees disproportionately affect low-income communities and communities of color. As the law currently stands, individuals and families have the financial burden of filing fees for certain expungement petitions. These fees place an undue burden on low-income families and have a ripple effect on many aspects of daily life.

A criminal record affects the most critical aspects of a person's life. The collateral consequences for those unable to pay a filing fee for an expungement petition are myriad. Many Marylanders have lost jobs or been overlooked during the hiring process because of their record. It is difficult to even volunteer for community organizations while having a criminal record. Landlords often reject potential tenants when cases appear on background checks or the Maryland

Judiciary Case Search. There are also restrictions on federal housing benefits for those with criminal records.

When an individual successfully completes their sentence, their debt to society is paid. Therefore, placing an additional financial barrier on those individuals is counterintuitive, contradictory, and not rehabilitative. It comes as no surprise that obtaining employment is an integral part of reentry and reduces recidivism. Having a criminal record is one of the largest barriers to employment for those reentering society. Unfortunately, when an individual cannot afford filings fees for expungement, their criminal records remain and they are unlikely to gain employment. This creates a catch-22 in which citizens need work in order to afford to expunge their criminal records, but cannot work *because* of their criminal records. Eliminating filing fees will benefit returning citizens, reduce recidivism, and limit the collateral consequences of the criminal justice system.

MLA has saved clients almost one million dollars in expungement filing fees since 2016 (\$940,590). Filing fees have adverse and life altering impacts for people living in poverty. These fees cost low-income communities, particularly communities of color, their opportunities to lead fruitful, dignified lives. Maryland Legal Aid thanks you for the opportunity to provide input and urges the committee to give Senate Bill 898 a favorable report.

/s/ Charlotte Ahearn

Charlotte Ahearn, Esq.

Staff Attorney

Maryland Legal Aid - Community Lawyering Initiative