

**HTP Homes ADT Oral Testimony\_SB37\_ HB97.pdf**

Uploaded by: Aaron Thompson

Position: FAV

**ORAL TESTIMONY IN SUPPORT OF THE REDEEM ACT**

**Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings

FROM: Aaron D. Thompson, Co-Founder and CEO, HTP Homes, Inc.

DATE: February 1, 2023

Good afternoon and thank you for allowing me to speak today in support of the REDEEM Act.

My name is Aaron Thompson, the Co-Founder and Chief Executive Officer of HTP Homes a community-based 501(C)(3) nonprofit organization that teaches construction and job readiness skills to at-risk and justice system involved individuals living in Baltimore City. During the training period, we provide direct payments in the form of stipends to the participants, and when they have successfully completed the training we guarantee them full time jobs with construction companies and other industries.

Every day we strive to empower each person we serve to be productive and successful members of their communities. Some of our Building Second Chances Program participants are here today. They are determined to change their lives, and committed to living a future free of criminal activity. But every day I witness how barriers to their successful re-entry adds to their struggles to do better.

I thank this legislative body for bringing forth policy changes that encourage rather than inhibit successful re-entry. That's why I support the REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for returning citizens, lower-income workers and job seekers throughout the state.

Maryland has drastically longer waiting periods for expungement than most other states. The extended waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with unnecessary barriers to education, employment, housing, and much more.

Reducing these waiting periods, the REDEEM Act will positively impact the 1.5 million Maryland residents who are shut out of the workforce due to a criminal record. Everyone must work if they expect to support themselves and their families. Maryland law should not be the

reason returning citizens are locked out of employment opportunities over a decade after they have served their time.

For these reasons, I urge a favorable report on The REDEEM Act.

# HTP Homes Written Testimony\_SB37\_ HB97.pdf

Uploaded by: Aaron Thompson

Position: FAV



## **TESTIMONY IN SUPPORT OF THE REDEEM ACT**

### **Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings

FROM: Aaron D. Thompson, Co-Founder and CEO, HTP Homes, Inc.

DATE: February 1, 2023

HTP Homes, Inc. is a minority/woman founded 501(C)(3) nonprofit organization guided by its mission that no human is expendable and everyone deserves a second chance. We teach construction and job readiness skills to at-risk and justice system involved individuals. We strive to empower each person we serve to be productive and successful members of their communities.

As the co-founder and CEO of HTP Homes, Aaron Thompson supports the REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for returning citizens, lower-income workers and job seekers throughout the state.

Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

The REDEEM Act simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability for the 1.5 million Marylanders (REDEEM)** who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Every day participants in the HTP Homes Building Second Chances



Program are diligently working to learn the skills they need to earn a livable wage and change their lives. Maryland law shouldn't be the reason returning citizens are locked out of employment opportunities over a decade *after* they have served their time.

For these reasons, we urge a favorable report on The REDEEM Act.

Aaron D. Thompson, HTP Homes, Inc.  
300 E, Lombard Street  
Suite 840  
Baltimore, MD 21202

**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Alicia Pereschuk

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District 43 **I am testifying in support of Senate Bill 37.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>



321 W 28<sup>th</sup> St

Baltimore MD 21211

Showing Up for Racial Justice Baltimore

# **Health Care for the Homeless - 2023 SB 37 FAV - RE**

Uploaded by: Ann Ciekot

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**IN SUPPORT OF**  
**SB 37 - Criminal Procedure - Expungement of Records - Waiting**  
**Periods (REDEEM Act of 2023)**

**Senate Judicial Proceedings Committee**  
**February 2, 2023**



**Health Care for the Homeless supports SB 37**, which will reduce the expungement waiting periods for misdemeanors and non-violent felonies. In Maryland, an expungement is only available after the completion of the sentence, parole, probation, substance use disorder treatment, and any other form of supervision. Once a person has fully completed their time served, they must then wait another 10-15 more years before having a conviction expunged, if the charge is even eligible for expungement. Passage of this bill will have a significant impact on increasing access to employment and housing services.

SB 37 helps end homelessness by reducing barriers to employment and housing. Criminal records, including records of misdemeanors and other non-violent crimes, create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources like social safety net programs. In a 2011 Health Care for the Homeless study, which surveyed 429 people who had been released from jail or prison within the past 10 years, respondents most frequently cited the inability to find work (57%) and a criminal record (56%) as the barriers preventing them from accessing stable housing. As a supportive housing services provider, we see the direct impact that a criminal record can have on an individual's ability to obtain housing. HB 97 serves to directly eliminate such barriers to housing.

As part of our health care services, Health Care for the Homeless provides permanent supportive housing to over 400 people. As such, we work closely with local housing authorities and see firsthand how convictions can explicitly prevent someone experiencing homelessness to be housed. For instance, the Housing Authority of Baltimore City (HABC) will deny eligibility for admission for a period of 18 months for a misdemeanor conviction and for a period of three years for a felony conviction beginning on the date of conviction or the release from incarceration, whichever is later. Therefore, the ability to shorten the waiting period before expungements for misdemeanors and certain felonies will have a significant impact in providing greater and more expedited housing opportunities for our clients.

We urge a favorable report on Senate Bill 37.

*Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. Our mission is to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing and housing support services for over 10,000 Marylanders annually in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*

**SB0037\_FAV\_HOPE.docx.pdf**

Uploaded by: Antoin Quarles

Position: FAV



**TESTIMONY IN SUPPORT OF THE REDEEM ACT:**

**Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the House Judiciary and Senate Judicial Proceeding Committee

FROM: Antoin Quarles, Executive Director

**Helping Oppressed People Excel** support(s) the REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

The REDEEM Act simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability for the 1.5 million Marylanders (REDEEM)** who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be the reason returning citizens are locked out of employment over a decade *after* they have served their time.

For these reasons, we urge a favorable report on The REDEEM Act.

**testsb37.pdf**

Uploaded by: Carol Rice

Position: FAV

# Northeast Catholic Community

Hearing before the Senate Judicial Proceedings Committee  
Maryland General Assembly February 2, 2023

## **Statement of Support (Favorable) on SB 37, Redeem Act of 2023: Reducing Expungement Waiting Periods**

The Northeast Catholic Community (NECC) consists of eight Catholic Churches in Northeast Baltimore—St Matthew, Blessed Sacrament, St Dominic, Most Holy Blood, St Anthony of Padua, St Mary Govans, St Francis, and Shrine of the Little Flower. NECC would like to express its strong support for SB37 - REDEEM Act of 2023: Reducing Expungement Waiting Periods.

Right now Maryland has very long waiting periods after an offender has served the complete sentence including any parole period before a person can apply to have any offenses expunged. Since many employers check for criminal offenses and will not hire anyone who has a criminal record, this is a huge barrier to finding employment. The current situation presents a catch-22: Over 60 percent of formerly incarcerated persons remain unemployed one year after their release. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study demonstrated that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

Maryland has much longer waiting periods for expungement than most other states in the nation. We are asking that these waiting periods be reduced as detailed in SB 37. This will improve the likelihood of formerly incarcerated persons finding employment and reduce recidivism accordingly.

Thank you for your consideration of our request for a favorable report of SB 37.





# **Maryland Legal Aid SB 37 Favorable Testimony.pdf**

Uploaded by: Charlotte Ahearn

Position: FAV



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

February 1, 2023

Senator William C. Smith, Jr.  
Chairman, Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Testimony Supporting Senate Bill 37 - Criminal Procedure - Expungement of Records - Waiting Periods (REDEEM ACT OF 2023)**

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) submits this testimony at the request of Senator Jeff Waldstreicher and urges the Committee to give it a favorable report.

MLA is a non-profit law firm that provides free civil legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including criminal record expungements, which remove barriers to obtaining child custody, housing, a driver's license, and employment.

Senate Bill 37 reduces expungement waiting periods, which will directly benefit your constituents and thousands of Maryland families—particularly those in communities subject to over-policing. This bill dramatically expands access to justice and employment opportunities for low-income Marylanders. After an individual has completed their entire sentence, including parole, probation and all types of mandatory supervision, they are still required to wait 10 to 15 years before filing an expungement petition. Again, this is *after* they have already paid their debt to society. The arbitrary and arduous additional waiting requirement exacerbates collateral consequences and punitive results, continuing the lifetime sentence of financial hardship.

Our clients often come to us with a single nonviolent conviction that has been on their record for a decade or more. These charges have often resulted in periods of incarceration and/or lengthy periods of probation or parole. Not allowing for a timely expungement further punishes individuals who are unable to provide for their basic needs. Excessively long expungement waiting periods are counterproductive and place severe barriers to meaningful employment for individuals who want nothing more than to provide for their loved ones and participate in Maryland's economy—including paying taxes that benefit everyone. According to a recently released report from the Collateral Consequences Resource Center, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. For non-violent felonies, Maryland

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ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma.

The U.S. Department of Justice has found high rates of recidivism among returning citizens, with half of all returning citizens allegedly reoffending within 3 years and 60% recidivating within 5 years. One of the primary drivers of high recidivism rates is the inability of people to find a job: over 60% of formerly incarcerated people remain unemployed one year after their release. 85% of employers perform background checks on all of their job applicants and deny employment to many people on the basis of a record. This leaves many of the 1.5 million Marylanders with a criminal record—an unacceptable number to begin with—out in the cold when trying to obtain gainful employment. Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live, and reenter society. Maryland law should not be the reason returning citizens are locked out of employment over a decade after they have served their time.

Senate Bill 37 encourages and empowers individuals to re-enter society and participate meaningfully in the workforce, as well as receive the benefits they have earned. This will benefit every county in Maryland and the State as a whole. Senate Bill 37 will reduce recidivism, make the state safer, and provide a fresh start for hundreds of MLA clients.

Charlotte Ahearn, Esq.  
Community Lawyering Initiative  
Maryland Legal Aid

**SB037 - REDEEM Act of 2023 ChristinaPhamLinhoff.pdf**

Uploaded by: Christina Pham Linhoff

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 46, a mom, a professional, and a constituent. **I am testifying in support of Senate Bill 37.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Christina Pham Linhoff  
46 E Randall St, Baltimore, MD 21230  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>



# **REDEEM Act 2023\_Eligible Charges.pdf**

Uploaded by: Christopher Dews

Position: FAV

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
<b>REDEEM ACT: Misdemeanors Eligible</b>										
9-1	<b>Alcoholic Beverages</b> Intoxicated and endanger safety of person or property; or intoxicated or drink alcoholic beverage in public place and cause public disturbance	1-1661 1-1662	AB, §6-320	Misd.	90D		Person	VII	\$100	10Y
84-19	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 1st offense	1-0983 1-0984	BR, §5-712(b)(1)(i), (b)(2)(i)	Misd.	1Y		Property	VII	\$10,000	10Y
84-20	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 2nd offense	1-0983 1-0984	BR, §5-712(b)(1)(ii), (b)(2)(ii)	Misd.	2Y		Property	VII	\$15,000	10Y
84-21	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 3rd or more offense	1-0983 1-0984	BR, §5-712(b)(1)(iii), (b)(2)(iii)	Misd.	3Y		Property	VI	\$20,000	10Y
84-22	<b>Commercial Fraud, Other</b> Misappropriation or fraudulent conversion of preneed trust funds in excess of \$100		1-0985 BR, §5-712(c)	Felony	10Y		Property	V	\$25,000	10Y
84-23	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, 1st offense		BR, §19-304	Misd.	1Y		Property	VII	\$1,000	10Y
84-24	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, subsequent		BR, §19-304	Misd.	3Y		Property	VII	\$2,500	10Y
84-25	<b>Commercial Fraud, Other</b> Violations of law relating to plastic secondary packaging, 1st offense	1-0877 1-0878	BR, §19-308(e)(1)	Misd.	1Y		Property	VII	\$1,000	10Y



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
84-26	Commercial Fraud, Other Violations of law relating to plastic secondary packaging, subsequent		BR, §19-308(e)(2)	Misd.	3Y		Property	VII	\$2,500	10Y
84-12	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 1st offense	1-0980 1-0981	BR, §5-610(a)(1), (b)(1) (penalty)	Misd.	1Y		Property	VII	\$5,000	10Y
84-13	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 2nd offense	1-0980 1-0981	BR, §5-610(a)(2), (b)(2) (penalty)	Misd.	2Y		Property	VII	\$10,000	10Y
84-14	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 3rd or subsequent offense	1-0980 1-0981	BR, §5-610(a)(3), (b)(3) (penalty)	Misd.	3Y		Property	VI	\$20,000	10Y
84-16	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 1st offense	1-0731 1-0986	BR, §5-904(1) (penalty)	Misd.	1Y		Property	VII	\$5,000	10Y
84-17	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 2nd offense		BR, §5-904(2) (penalty)	Misd.	2Y		Property	VII	\$10,000	10Y
84-18	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 3rd or subsequent offense		BR, §5-904(3) (penalty)	Misd.	3Y		Property	VI	\$15,000	10Y
25-7	Assault and Other Bodily Woundings Failure to comply with or violation of peace order, 1st offense	2-0105	CJ, §3-1508(a)(1)	Misd.	90D		Person	VII	\$1,000	10Y
25-8	Assault and Other Bodily Woundings Failure to comply with or violation of peace order, subsequent	2-0105	CJ, §3-1508(a)(2)	Misd.	1Y		Person	VII	\$2,500	10Y
369	Surveillance and Other Crimes Against Privacy Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	\$10,000	10Y
244-2	Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act		CL, §14-1915 (penalty)	Misd.	3Y		Property	VI	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
145	False Advertising and Related Crimes False and fraudulent advertising		CL, §14-2902	Misd.	1Y		Property	VII	\$1,000	10Y
146	False Advertising and Related Crimes Bait and switch		5-2607 CL, §14-2903	Misd.	1Y		Property	VII	\$500	10Y
307-1	Pretrial Release, Crimes Involving Failure to appear in connection with a felony		1-1474 CP, §5-211(c)(1)	Misd.	5Y		Person	V	\$5,000	10Y
307-2	Pretrial Release, Crimes Involving Failure to appear in connection with a misdemeanor or for appearance as witness		1-1475 CP, §5-211(c)(2)	Misd.	1Y		Person	VII	\$1,000	10Y
24	Assault and Other Bodily Woundings Assault, 2nd degree	1-1415	CR, §3-203	Misd.	10Y		Person	V	\$2,500	15Y
151-1	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, 1st offense	1-0651	CR, §3-808(b)(1)	Misd.	1Y		Property	VII	\$10,000	10Y
151-2	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, subsequent		CR, §3-808(b)(1)	Misd.	5Y		Property	VI	\$10,000	10Y
69	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— marijuana	1-1559 1-1560 1-1561 1-1562 1-1563 1-1564	CR, §5-601(c)(2)(i)	Misd.	6M		Drug	VII	\$1,000	10Y
69-1	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— non-marijuana, 1st offense	1-1110 1-1111 1-1112 1-1113 1-1114 1-1115 1-1117	CR, §5-601(c)(1)(i)	Misd.	1Y		Drug	VII	\$5,000	10Y
69-2	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— non-marijuana, 2nd or 3rd offense		CR, §5-601(c)(1)(ii)	Misd.	18M		Drug	VII	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
69-3	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— non-marijuana, 4th or subsequent offense		CR, §5-601(c)(1)(iii)	Misd.	2Y		Drug	VII	\$5,000	10Y
	<b>Cannabis Possession with intent to distribute</b>	Will Change 7/1/20	5-602(b)(1),	Misd.	?		Drug	?	?	10Y
71	CDS and Paraphernalia Possession/purchase of non-CDS believed to be a controlled dangerous substance	1-0691	CR, §5-618(a)	Misd.	1Y		Drug	VII	\$500	10Y
62	CDS and Paraphernalia Paraphernalia—deliver drug paraphernalia to minor by adult who is 3 or more years older		7-3550 CR, §5-619(d)(4)	Misd.	8Y		Drug	IV	\$15,000	10Y
66-1	CDS and Paraphernalia Paraphernalia—deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, previous conviction for deliver drug paraphernalia to minor by adult who is 3 or more years older		CR, §5-619(d)(3)	Misd.	2Y		Drug	VII	\$2,000	10Y
64	CDS and Paraphernalia Paraphernalia—possess or distribute controlled paraphernalia—marijuana	1-0566 1-1287	CR, §5-620(d)(2)	Misd.	1Y		Drug	VII	\$1,000	10Y
65	CDS and Paraphernalia Paraphernalia—possess or distribute controlled paraphernalia—non marijuana	1-0255 1-0256 1-0257	CR, §5-620(d)(1)	Misd.	4Y		Drug	V	\$25,000	10Y
70	CDS and Paraphernalia Possession—unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.		1-0025 CR, §5-703	Misd.	6M		Drug	VII	\$500	10Y
305	Prescription Drugs and Other Substances Harmful substances—smelling or inhaling harmful substances		1-5599 CR, §5-708(b)	Misd.	6M		Drug	VII	\$500	10Y
74	CDS—Registration Manufacture CDS which was not authorized by registration		8-3550 CR, §5-902(b)	Misd.	2Y		Drug	VII	\$100,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
75	CDS—Registration CDS Registration—unlawful acts	1-0258 1-0259 1-0260 1-0261 1-0262 1-1445 1-3550	CR, §5-902(a)	Misd.	2Y		Drug	VII	\$100,000	10Y
18	Arson and Burning Burn personal property of another less than \$1,000 (malicious burning, 2nd degree)	1-6503	CR, §6-105(b)	Misd.	18M		Property	VII	\$500	10Y
19	Arson and Burning Arson—trash bin		2-2003 CR, §6-108(a)	Misd.	30D		Property	VII	\$500	10Y
48	Burglary and Related Crimes Burglary, 4th degree	1-1130 2-3030 2-3040 2-3045 2-3050	CR, §6-205	Misd.	3Y		Property	VII		10Y
47	Burglary and Related Crimes Breaking and entering—motor vehicle (rogue and vagabond)	2-3080 2-3090	CR, §6-206	Misd.	3Y		Property	VII		10Y
381	Telecommunications and Electronics, Crimes Involving Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc.	1-0215 1-0217 1-2608	CR, §6-303	Misd.	6M		Property	VII	\$500	10Y
239	Malicious Destruction and Related Crimes Serial numbers, removing, etc.	1-0291 2-2800	CR, §6-306(a)	Misd.	18M		Property	VII	\$500	10Y
239-1	Malicious Destruction and Related Crimes Sell or possess stolen serial number or vehicle identification plate, etc.	2-2810 2-2820	CR, §6-307	Misd.	18M		Property	VII	\$500	10Y
387-4	Trespass Trespass on posted property or private property, 2nd offense within 2 years after first violation		CR, §6-402(b)(2) CR, §6-403(c)(2)	Misd.	6M		Property	VII	\$1,000	10Y
387-5	Trespass Trespass on posted property or private property, 3rd and subsequent offense within 2 years after preceding violation		CR, §6-402(b)(3) CR, §6-403(c)(3)	Misd.	1Y		Property	VII	\$2,500	10Y
388-1	Trespass Trespass on railroad vehicle		CR, §6-503(c)	Misd.	6M		Property	VII		10Y
384-4	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$1,500, 5th or subsequent offense		CR, §7-104(g)(4)	Misd.	5Y		Property	VI	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
385	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$100	1-0521 1-1631	CR, §7-104(g)(3)	Misd.	90D		Property	VII	\$500	10Y
388-2	Unlawful Use of Goods Unauthorized removal of property	1-1466 1-1467	CR, §7-203	Misd.	4Y	6M	Property	VI	\$50—\$100	10Y
388-3	Unlawful Use of Goods Fraud—abandoning or refusing to return leased motor vehicle	1-0220 1-2405	CR, §7-205(a)	Misd.	1Y		Property	VII	\$500	10Y
381-1	Telecommunications and Electronics, Crimes Involving Obtaining, selling, etc., telephone record without authorization	1-0593	CR, §7-304	Misd.	2Y		Property	VII	\$2,000	10Y
373	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters— prohibition against audiovisual recording		1-0336 CR, §7-308(e) CR, §7-309	Misd.	1Y		Property	VII	\$2,500	10Y
373-1	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters— prohibition against audiovisual recording, subsequent		CR, §7-308(e) CR, §7-309	Misd.	3Y		Property	VI	\$10,000	10Y
36	Bad Check Misdemeanor bad check, at least \$100 but less than \$1,500	1-1167 1-1171 1-1175 1-1179 1-1184	CR, §8-103 CR, §8-106(c)	Misd.	1Y		Property	VII	\$500	10Y
36-1	Bad Check Misdemeanor bad check, less than \$100	1-1141 1-1142 1-1143 1-1144 1-1240	CR, §8-103 CR, §8-106(d)	Misd.	90D		Property	VII	\$500	10Y
114-4	Credit Card Crimes Misdemeanor credit card crimes, at least \$100 but less than \$1,500	1-1185 1-1192 1-1195 1-1199 1-1353 1-1358	CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	Misd.	1Y		Property	VII	\$500	10Y
115	Credit Card Crimes Misdemeanor credit card crimes, less than \$100	1-0581 1-0582 1-0583 1-0584 1-0585 1-0586	CR, §8-206(c)(3) CR, §8-207(b)(3) CR, §8-209(b)(3)	Misd.	90D		Property	VII	\$500	10Y
86	Commercial Fraud, Other Fraud—convert to own use the property of partner, make entries of a partnership transaction	2-2701 3-2607	CR, §8-401(a)	Misd.	10Y		Property	VI	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
87	Commercial Fraud, Other Fraud, misrepresentation by corporate officer		4-2607 CR, §8-402(a)	Misd.	3Y	6M	Property	VI	\$1,000-\$10,000	10Y
95	Commercial Fraud, Other Fraud—pyramid, promotional scheme		6-2600 CR, §8-404(b)	Misd.	1Y		Property	VII	\$10,000	10Y
85	Commercial Fraud, Other Fraud—breach of trust		1-2602 CR, §8-406(a)	Misd.	10Y	1Y	Property	VI	\$500-\$5,000	10Y
98	Commercial Fraud, Other Unlawful subleasing of motor vehicle		2-0615 CR, §8-408(b)	Misd.	3Y		Property	VII	\$5,000	10Y
327	Public Fraud Fraud—Public Assistance fraud, generally (with the exception of Medicaid fraud)		7-2607 CR, §8-503(b)	Misd.	3Y		Property	VII	\$1,000	10Y
328	Public Fraud Fraud—Falsely obtain legal representation by the Office of the Public Defender		6-2607 CR, §8-521(b)	Misd.	1Y		Property	VII	\$1,000	10Y
328-1	Public Fraud Fraud—Housing assistance fraud; Making false statements		1-0419 CR, §8-523(b)	Misd.	3Y		Property	VII		10Y
171	Gambling—General Provisions Fraud—enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name		1-0231 CR, § 8-904	Misd.	3Y		Property	VII	\$5,000	10Y
39	Bribery Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest		1-5100 CR, §9-204	Misd.	3Y	6M	Property	VI	\$100—\$5,000	10Y
40	Bribery Bribery—athletic contestant accepts bribe		2-5103 CR, §9-205	Misd.	3Y		Property	VII	\$5,000	10Y
153	False Statements, Other False Statement—to official or agencies of State or its subdivisions		1-5099 CR, §9-503(a)	Misd.	6M		Property	VII	\$500	10Y
152	False Statements, Other False statement—on application for funds for Maryland higher education commission		2-5099 CR, §9-506(a)	Misd.	1Y		Property	VII	\$5,000	10Y
333	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter greater than 500 lbs. in weight or 216 cubic feet in volume or for commercial purposes	1-0645 1-0646 1-1427	CR, §10-110(f)(2)(iii)	Misd.	5Y		Property	VI	\$30,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
338	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter, greater than 100 lbs. in weight or 27 cubic feet in volume	1-0643 1-0644 1-1426	CR, §10-110(f)(2)(ii)	Misd.	1Y		Property	VII	\$10,000	10Y
127-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Disturbing the peace, disorderly conduct in public place	2-0045 2-0050 2-0055 2-0060 2-0065	CR, §10-201	Misd.	60D		Person	VII	\$500	10Y
76	Cemeteries and Funerary Objects, Crimes Involving Removal or attempted removal of human remains from a burial site		3-3932 CR, §10-402(a)	Misd.	5Y		Property	VI	\$10,000	10Y
369	Surveillance and Other Crimes Against Privacy Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	\$10,000	10Y
77	Cemeteries and Funerary Objects, Crimes Involving Destruction of funerary objects/structures placed in a cemetery		3-3942 CR, §10-404(a)	Misd.	5Y		Property	VI	\$10,000	10Y
78	Cemeteries and Funerary Objects, Crimes Involving Destruction of graveyard plants	3-3946	CR, §10-404(b)	Misd.	2Y		Property	VII	\$500	10Y
79	Cemeteries and Funerary Objects, Crimes Involving Disorderly conduct in cemetery		3-3947 CR, §10-404(c)	Misd.	2Y		Property	VII	\$500	10Y
244-1	Marriage, Crimes Against Bigamy		1-3804 CR, §10-502(b)	Misd.	9Y		Person	VI		10Y
314	Prostitution and Related Crimes Engage in prostitution or assignation; occupy a building for prostitution or assignation	1-1093	CR, §11-303	Misd.	1Y		Person	VII	\$500	10Y
315	Prostitution and Related Crimes Procure or solicit or offer to procure or solicit prostitution or assignation	1-1730	CR, §11-306	Misd.	1Y		Person	VII	\$500	10Y
316	Prostitution and Related Crimes Allow a building to be used for prostitution or assignation; allow a person into a building for prostitution or assignation; or keep, set up, etc., a building for prostitution or assignation	1-1731	CR, §11-307	Misd.	1Y		Person	VII	\$500	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
168	Gambling—General Provisions Make or sell a book or pool on the result of a race, etc.; establish, keep, etc., a building, vessel, or place for the purpose of betting, etc.; receive, become the depository of, etc., money to be bet, etc.	1-1710 1-1711	CR, §12-102(b)	Misd.	6M		Property	VII	\$5,000	10Y
			CR, §12-103	Misd.						10Y
166	Gambling—General Provisions Rent place for gambling	2-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500	10Y
169	Gambling—General Provisions Gambling—keeping gaming table or place	1-3908 1-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500	10Y
170	Gambling—General Provisions Owner/occupier of building knowingly permits gaming table to be kept		2-3908 CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500	10Y
173	Gambling—General Provisions Off-shore gambling		6-2620 CR, §12-105(b)	Misd.	1Y		Property	VII	\$200- \$1,000	10Y
167	Gambling—General Provisions Fix horse race	1-0433	CR, §12-109(a)	Misd.	3Y		Property	VII	\$5,000	10Y
229	Lotteries Lotteries—hold lottery or sell lottery device	1-3918 2-3925 2-3930	CR, §12-203	Misd.	12M	3M	Property	VII	\$200- \$1,000	10Y
231	Lotteries Lotteries—keep place for selling lottery device or allow property to be used for selling lottery device	4-3921 5-3921	CR, §12-204	Misd.	1Y		Property	VII	\$1,000	10Y
174	Gambling—General Provisions Keep, etc. slot machine unlawfully		3-3908 CR, §12-302(a)	Misd.	1Y		Property	VII	\$1,000	10Y
136-7	Election Offenses Publish, distribute, etc., campaign material that violates authority line requirements in EL, §13-401		1-1551 EL, §13-401 EL, §13-602 (penalty)	Misd.	1Y		Property	VII	\$1,000	10Y
135-1	Election Offenses Voting offenses	1-1501	EL, §16-201	Misd.	5Y		Property	VII	\$5,000	10Y
25-5	Assault and Other Bodily Woundings Failure to comply with or violation of protective order, 1st offense	2-0254	FL, §4-509(a)(1)	Misd.	90D		Person	VII	\$1,000	10Y
25-6	Assault and Other Bodily Woundings Failure to comply with or violation of protective order, subsequent	2-0354	FL, §4-509(a)(2)	Misd.	1Y		Person	VII	\$2,500	10Y



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
330	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception		HG, §18-215(f)(1)(i)	Misd.	5Y		Property	V	\$100,000	10Y
330-1	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell		HG, §18-215(f)(1)(ii)	Misd.	10Y		Property	IV	\$250,000	10Y
146-1	False Statements, Other False statement—to Department of Housing and Community Development, in document required under or to influence action on a Rental Housing Program loan		HS, §4-411	Misd.	5Y		Property	VII	\$50,000	10Y
146-2	False Statements, Other False statement—to Department of Housing and Community Development, in document required under or to influence action on an Energy-Efficient Homes Construction Loan Program loan		HS, §4-2005	Misd.	5Y		Property	VII	\$50,000	10Y
82-1	Commercial Fraud, Other Fraudulent Insurance Acts— Violation of §§27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, 27-407.1, or 27-407.2 where the value of the fraud is less than \$300	1-0899 1-0901 3-0127 3-0135 3-0140 3-0145 3-0155 3-0165 3-0185	IN, §27-408(a)(2) (penalty)	Misd.	18M		Property	VII	\$10,000	10Y
	<b>Boating - Natural Resources</b>		§ 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, § 6 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed 7 limits for personal watercraft;							10Y
			PS §5-307 PS, §5-308	Misd.						10Y
219	Interference with or Misuse of Government Operations Interference, obstruction or false representation of fire or emergency services personnel	1-0165 2-0249 4-5397 4-5398 4-5399	PS, §6-602 PS, §7-402	Misd.	3Y		Person	VII		10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
129-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Willfully violate order given by Governor in time of emergency		PS, §14-114	Misd.	1Y		Person	VII	\$5,000	10Y
84-5	Commercial Fraud, Other Failure of foreclosure consultant to obtain a real estate broker's license		RP, §7-318.1(a) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	\$10,000	10Y
84-11	Commercial Fraud, Other Violation of any provisions of Maryland Mortgage Assistance Relief Services Act		1-1424 RP, §7-509 (penalty)	Misd.	3Y		Property	VI	\$10,000	10Y
84-1	Commercial Fraud, Other Sales of property, Custom Home Protection Act—any other conduct that fails to comply with RP, Title 10, Subtitle 5		1-1507 RP, §10-507(b)(3)	Misd.	1Y		Property	VII	\$1,000	10Y
232	Lotteries Prohibited acts relating to State lottery	1-0114 2-1173	SG, §9-124	Misd.	3Y		Property	VII	\$2,500	10Y
149	False Statements, Other Fraud—willful failure to file income tax return		1-0831 TG, §13-1001(d)	Misd.	5Y		Property	VI	\$10,000	10Y
151	False Statements, Other Fraud—willful preparation of false income tax return		1-0751 TG, §13-1004	Misd.	5Y		Property	VI	\$10,000	10Y
150	False Statements, Other Fraud—willful failure to withhold income tax		TG, §13-1007(b)	Misd.	5Y		Property	VI	\$10,000	10Y
148	False Statements, Other Fraud—failure to provide or providing false information willfully or with intent to evade taxes		1-0828 TG, §13-1024(a)	Misd.	18M		Property	VI	\$5,000	10Y
258	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, 1st offense		TR, §16-303(k)(1)(i)	Misd.	1Y		Property	VII	\$1,000	10Y
258-1	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, subsequent offense within 3 years of prior conviction		TR, §16-303(k)(1)(ii)	Misd.	2Y		Property	VI	\$1,000	10Y
<b>REDEEM ACT: Felonies Eligible</b>										
383	Theft, Crimes Involving Felony theft or theft-scheme, \$100,000 or greater	1-1134 1-1303	CR, §7-104(g)(1)(iii)	Felony	20Y		Property	III	\$25,000	15Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
384	Theft, Crimes Involving Felony theft or theft scheme, at least \$25,000 but less than \$100,000	1-1135 1-1139	CR, §7-104(g)(1)(ii)	Felony	10Y		Property	V	\$15,000	15Y
384-1	Theft, Crimes Involving Felony theft or theft scheme, at least \$1,500 but less than \$25,000	1-1136 1-1160	CR, §7-104(g)(1)(i)	Felony	5Y		Property	VI	\$10,000	15Y
53-1	CDS and Paraphernalia Knowingly violated CR, §5-602 with a mixture of heroin and fentanyl or any analogue of fentanyl; or fentanyl or any analogue of fentanyl		1-0908 CR, §5-608.1	Felony	10Y		Drug	IIIC		15Y
	Burglary and Related Crimes Burglary,		CR, §6-202(a)	Felony			Property			15Y
43	Burglary and Related Crimes Burglary, 2nd degree	2-3010	CR, §6-203(c)(1)	Felony	15Y ♦		Property	IV		15Y
44	Burglary and Related Crimes Burglary, 2nd degree, steal or take firearm		2-3015 CR, §6-203(c)(2)	Felony	20Y ♦		Property	IV	\$10,000	15Y
45	Burglary and Related Crimes Burglary, 3rd degree	2-3020	CR, §6-204	Felony	10Y ♦		Property	IV		15Y

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# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## Criminal Procedure – Expungement of Records – Modifications

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support The REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City. The Department of Justice has [found](#) high recidivism rates among returning citizens, with half of all returning citizens recidivating within three (3) years and 60 percent recidivating within five (5) years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: [over 60 percent of formerly incarcerated persons remain unemployed](#) one year after their release. This is mainly due to the fact that more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens on the basis of a record. A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study [revealed](#) that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

According to a [recently released report](#) (pg.4-5) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. Regarding non-violent felonies, Maryland ranks 35th in the nation on

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expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. [Maryland Code Ann., Criminal Procedure §10–110](#) lays out which crimes are eligible for expungement under the mentality that certain offenses should *not* be held against Marylanders forever. The REDEEM Act takes this argument to its logical conclusion and simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Lastly, it is important to note that the only felony convictions that will have their waiting periods reduced are drug possession and distribution, thefts, and burglaries. Violent convictions are *excluded* from the REDEEM Act.

The REDEEM Act makes several changes to the expungement statutes including:

1. *Eligible Misdemeanors*
  - a. From 10 to 3 years
2. Contact Misdemeanors (Common-Law Battery & 2nd Degree Assault)
  - a. From 15 to 5 years
3. *Eligible Non-Violent Felonies*
  - a. From 15 to 5 years

Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability for the 1.5 million Marylanders (REDEEM)** who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be why returning citizens are locked out of employment over a decade after serving their time. For these reasons, we urge a favorable report on The REDEEM Act and are open to discussing the provisions of the bill with the committee members.

### **The Undersigned Organizations/Individuals Support The REDEEM Act**

1. BetterU Construction Training
2. Out for Justice
3. Life After Release
4. Helping Oppressed People Excel (H.O.P.E.)
5. Maryland Nonprofits
6. Public Justice Center
7. Maryland Community Action Partnership
8. Maryland Alliance for Justice Reform
9. The People's Commission to Decriminalize Maryland
10. Baltimore Action Legal Team
11. Baltimore Green Justice Workers
12. Office of the Public Defender
13. Healthcare for the Homeless
14. Homeless Persons Representation Project
15. Maryland Volunteers Lawyer's Service
16. Maryland Legal Aid
17. Court Watch PG

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- |                                              |                                        |
|----------------------------------------------|----------------------------------------|
| 18. Becca Gardner                            | 29. Adam Rosenthal                     |
| 19. Maryland Office of the Public Defender   | 30. Southwest Partnership              |
| 20. Helping Ourselves to Transform           | 31. Joshua Rosenthal                   |
| 21. Public Justice Center                    | 32. Maryland Nonprofits                |
| 22. 1199 SEIU United Healthcare Workers East | 33. Glen Rosenberg                     |
| 23. Prison to Professionals (P2P)            | 34. Urban Smart                        |
| 24. Takoma Park Mobilization                 | 35. Cornerstone Community Housing      |
| 25. Rachael Mady                             | 36. Baltimore Harm Reduction Coalition |
| 26. John Ford (D46, 21224)                   | 37. Mara Braverman                     |
| 27. Justice Policy Institute                 |                                        |
| 28. Marian House                             |                                        |



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**MARIAN HOUSE**



**BUILDING COMMUNITY  
TOGETHER**



# JOTF JOB OPPORTUNITIES TASK FORCE

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## MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



**SB0037\_FAV\_JOTF.docx.pdf**

Uploaded by: Christopher Dews

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## TESTIMONY IN SUPPORT OF THE REDEEM ACT (SB0037):

### **Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant

DATE: February 2, 2023

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. JOTF supports The REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and one out of three Marylanders returning from incarceration return to Baltimore City. The Department of Justice has [found](#) high rates of recidivism among returning citizens, with half of all returning citizens recidivating within 3 years and 60 percent recidivating within 5 years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: [over 60 percent of formerly incarcerated persons remain unemployed](#) one year after their release. This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study [revealed](#) that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

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According to a [recently released report](#) (pg.4-5) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. Regarding non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. [Maryland Code Ann., Criminal Procedure §10–110](#) lays out which crimes are eligible for expungement under the mentality that certain offenses should *not* be held against Marylanders forever. The REDEEM Act takes this argument to its logical conclusion and simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Lastly, it is important to note that the only felony convictions that will have their waiting periods reduced are drug possession and distribution, thefts, and burglaries. Violent convictions are *excluded* from the REDEEM Act.

The REDEEM Act makes several changes to the expungement statutes including:

1. *Eligible* Misdemeanors
  - a. From 10 to 3 years
2. Contact Misdemeanors (Common-Law Battery & 2nd Degree Assault)
  - a. From 15 to 5 years
3. *Eligible* Non-Violent Felonies
  - a. From 15 to 5 years

Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability** for the 1.5 million Marylanders (REDEEM) who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be the reason returning citizens are locked out of employment over a decade *after* they have served their time. For these reasons, we urge a favorable report on The REDEEM Act and are open to discussing the bill's provisions with the committee members.

Below are visual aids from the [Collateral Consequences Resource Center](#) that highlight the policies of other states in comparison to Maryland. Here is a [list of all the charges](#) that will receive a possible reduction in wait times.

**For more information, contact:**

Christopher Dews / Policy Consultant / 301-412-5399 / [cdews@cgagroup.com](mailto:cdews@cgagroup.com)

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**50-State Table #1: Misdemeanor Convictions**  
Waiting Periods for Record Clearing (Expungement or Sealing)

	No waiting period	From conviction	From completion of incarceration	From completion of incarceration and supervision	From another starting point*
<3	MS: 0 yrs.			WV: 1 or 2 yrs.	CA: 0 or 1 yrs.
<3					OH, MO: 1 yr.
<3					TX: 0 or 2 yrs.
<3					NV: 1 or 2 yrs.
<3					NM: 2 yrs.
<5		AL, ND: 3 yrs.	OR: 1 or 3 yrs.	CO, KS: 3 yrs.	AZ, NH: 2 or 3 yrs.
<5			MA: 3 yrs.		IL, WA: 3 yrs.
<5				MN: 2 or 4 yrs.	GA: 4 yrs.
<6		SC: 3 or 5 yrs.		OK: 0 or 5 yrs.	AR: 0 or 5 yrs.
<6				UT: 3 or 5 yrs.†	MI, NJ: 3 or 5 yrs.†
<6		IN, SD: 5 yrs.		KY, LA, RI, TN, VT, WY: 5 yrs.	MT: 5 yrs.
<8			VA: 7 yrs.		DE: 3-7 yrs.†
<8				NC: 5 or 7 yrs.	CT: 7 yrs.
<10		IA: 8 yrs.		DC: 8 yrs.	
10+		PA: 10 yrs.	NY: 10 yrs.	MD: 10 or 15 yrs.	
AK, Federal, FL, HI, ID, ME, NE, WI: No general record clearing for misdemeanor convictions					

\* See the Appendix for more details. Note that some of these states require payment of court debt before the waiting period begins to run. For more information on court debt as a barrier to record clearing, see a new report by CCRC and the National Consumer Law Center: [The High Cost of a Fresh Start. A State-by-State Analysis of Court Debt as a Bar to Record Clearing](#) (Feb. 2022).

† These states' automatic record clearing laws have different waiting periods (than those reflected in

# JOTF JOB OPPORTUNITIES TASK FORCE

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**50-State Table #2: Felony Convictions**

Waiting Periods for Record Clearing (e.g., Expungement or Sealing)

	From conviction	From completion of incarceration	From completion of incarceration & supervision	From another starting point <sup>‡</sup>
<4				CA: 0-2 yrs.
<4				OH: 1 or 3 yrs.
<4				IL, MO: 3 yrs.
<6				AR: 0 or 5 yrs.
<6			CO: 3 or 5 yrs.	NJ: 4 or 5 yrs. <sup>§</sup>
<6			KS, KY, MN, VT, WV: 5 yrs.	MS: 5 yrs.
<8		OR: 5 or 7 yrs.	UT: 7 yrs.	MI: 5 or 7 yrs. <sup>§</sup>
<8		MA: 7 yrs.		DE: 7 yrs. <sup>§</sup>
<11	ND: 5 or 10 yrs.	NY, VA: 10 yrs.	OK, TN, WA: 5 or 10 yrs.	NV: 2-10 yrs.
<11	IN: 8 or 10 yrs.		LA, RI: 10 yrs.	NM: 4-10 yrs.
<11				AZ, NH: 5 or 10 yrs.
<11				CT, WY: 10 yrs.
<21			NC: 10 or 20 yrs.	
<21			MD: 15 yrs.	

AL, AK, DC, Federal, FL, GA, HI, ID, IA, ME, MT, NE, PA, SC, SD, TX, WI-  
No general record clearing for felony convictions



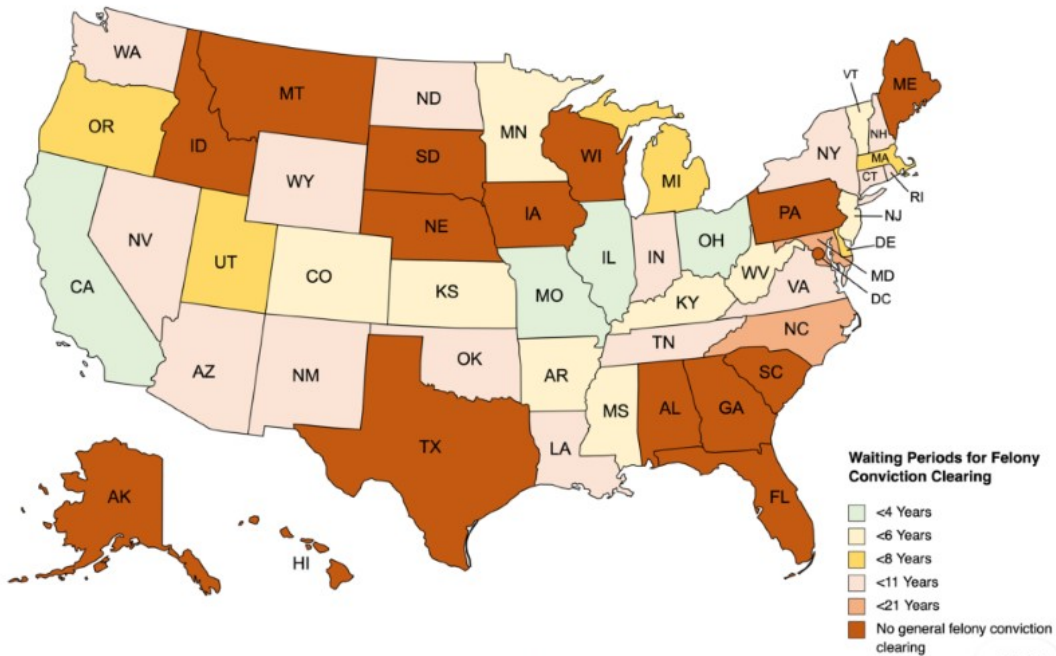
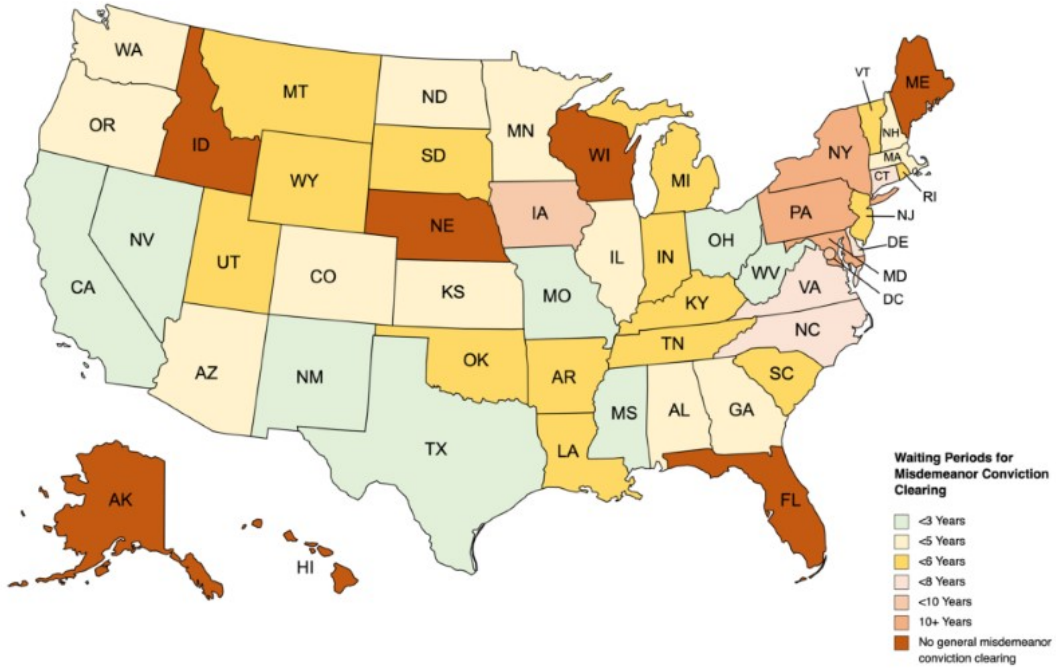
<sup>‡</sup> See the Appendix for more details. Note that some of these states require payment of court debt before the waiting period begins to run. For more information on court debt as a barrier to record clearing, see a new report by CCRC and the National Consumer Law Center: [The High Cost of a Fresh Start. A State-by-State Analysis of Court Debt as a Bar to Record Clearing](#) (Feb. 2022).

<sup>§</sup> These states' automatic record clearing laws have different waiting periods (than those reflected in the chart): 10 years in Delaware; 10 years in Michigan; and 10 years in New Jersey. See the Appendix for more information.

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## 50-State Maps



**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Daryl Yoder

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 44A. **I am testifying in support of Senate Bill 37.**



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder  
309 Glenmore Ave.  
Catonsville, MD 21228

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>

**SB\_0037\_Cobb\_Return\_Home\_Baltimore.pdf**

Uploaded by: Dawna Cobb

Position: FAV



TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Dawna Cobb, President and Co-Founder of Return Home Baltimore

DATE: February 1, 2023

ORGANIZATION NAME: Baltimore Reentry Resources, Inc., d/b/a Return Home Baltimore

Written Testimony in support of SB. 0037- REDEEM Act of 2023: Reducing Expungement Waiting Periods

I, Dawna Cobb, support the REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

I am one of the co-founders of Return Home Baltimore, a web-based resource for returning citizens coming home to Baltimore City and Baltimore County. (returnhome.org) Having volunteered with returning citizens for over 10 years and as a lawyer who has volunteered many hours to filing expungements, I support Senate Bill 0037.

As a re-entry volunteer, I have encountered countless good people, who have served time, who want to earn an honest living for their families and themselves, but because of their records, employers won't hire them, and landlords won't rent to them. As you know, this bill only reduces the time one must wait before he or she can expunge certain criminal records. And it kicks in only after obligations have been satisfied (prison sentence, parole, probation, drug treatment, and mandatory supervision.)

Given the labor shortage, this bill makes sense in that it frees up more people--thousands of people by some estimates-- for the workforce.

In short, so much is expected of people with criminal records who have done their time and so little support is given to them. For these reasons and those stated by the Job Opportunities Task Force, I urge a favorable report on SB.0037.

Respectfully,

A handwritten signature in blue ink that reads "Dawna Cobb".

Dawna Cobb

President, Co-Founder  
Return Home Baltimore

**SB0037\_FAV\_BetterU.docx.pdf**

Uploaded by: Deandre Wiggins

Position: FAV



**TESTIMONY IN SUPPORT OF THE REDEEM ACT:**

**Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings Committee

FROM: Deandre Wiggins, Program Manager

DATE: February 2nd, 2023

**BetterU Construction** support(s) the REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for our carpentry, plumbing, and electrical trainees in Baltimore Maryland.

BetterU Construction Training is a 14-week pre-apprenticeship program for Baltimore residents with a high school diploma or GED. Experienced teachers prepare our students for success in the construction trades with an overview of entry-level plumbing, carpentry, and electrical skills. Students also receive essential safety training, financial coaching, a stipend, and driver's education. More than 70 percent of students are placed in careers that lead to high wages and apprenticeships.

The majority of our trainees are formerly incarcerated persons who have been locked out of access to employment and we have seen examples of our team successfully placing individuals only to have records from 20+ years ago pop up on the background check and have them removed from their new position. This is a painfully disorienting process for them and we believe wholeheartedly that the REDEEM Act will greatly aid in their reentry.

The REDEEM Act simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability for the 1.5 million Marylanders (REDEEM)** who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other

states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be the reason returning citizens are locked out of employment over a decade *after* they have served their time.

For these reasons, we urge a favorable report on The REDEEM Act.

# **REDEEMAct Testimony Favorable Southwest Partnershi**

Uploaded by: Elizabeth Weber

Position: FAV

## **TESTIMONY IN SUPPORT OF THE REDEEM ACT:**

### **Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Elizabeth Weber, Acting Executive Director**

The Southwest Partnership is a coalition of seven neighborhood associations and six anchor institutions in Southwest Baltimore. We work to implement our Vision Plan for our seven neighborhoods and build an awesome, healthy, architecturally beautiful, diverse, cohesive community of choice built on mutual respect and shared responsibility.

As the Workforce Development Committee, we are a group of committed community members who work together to ensure that all of our neighbors have access to high quality, family sustaining employment. One of our key strategies is to ‘reduce barriers to employment and develop workforce opportunities in the Southwest Partnership area’. A criminal record is a huge barrier to employment and one that disproportionately impacts members of our community--people in poverty, Black people, and other people of color.

We know from our experience with Southwest Works, our workforce development program, and from our work with other workforce development partners in the area that a criminal record is a major barrier. Baltimore City, and our neighborhoods, among others, in particular, relies on hospitals and universities as a major industry and a source of good, local jobs.

**Southwest Partnership** supports the REDEEM Act as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in ***after*** they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

The REDEEM Act simply shortens the waiting periods ***after*** they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing barriers to employment. Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability for the 1.5 million Marylanders (REDEEM)** who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn’t be the reason returning citizens are locked out of



employment over a decade *after* they have served their time. For these reasons, we urge a favorable report on The REDEEM Act.

**REDEEM\_FAV\_Glen Rosenberg.docx.pdf**

Uploaded by: Glen Rosenberg

Position: FAV

**TESTIMONY IN SUPPORT OF THE REDEEM ACT:**

**Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Glenn Rosenberg**

DATE: February 2nd, 2023

**My name is Glen Rosenberg**, and I support the REDEEM Act as a means of reducing the impact of incarceration and passing common-sense legislation. I would like an expansion of expungement added to the list regarding the current expungement conversations. I've extensively examined case law regarding expungement and found some exciting nuances that the committee members should consider.

By hindering you from work, help, more education, and public assistance, it is making the original sentence harsher than what the court gave you and what the legislature intended. If you did what the court imposed you to do and finished, which may be as much as five years probation or more in some cases after you are off all court orders, you should not be punished further. It violates the Supreme Court case North Carolina v. Pearce, 395 US 711 - Supreme Court 1969

(" . . . [T]he Constitution was designed as much to prevent the criminal from being twice punished for the same offense as from being twice tried for it." Id., at 173.)

That being said, it is criminal to hold people from advancement years after they have served their time and or punishment. I have a few misdemeanors dating back thirty years. They are non-violent, non-sexual, or gun related, but for whatever reason, I do have a theory of why they were not included within the expungement list. **I will be 70 years old soon.** Regarding the misdemeanors I mentioned herein, I don't believe I spent more than 30 days in jail, so I do not believe even the court thought they were that serious, yet they are still on my record. If you are human, you make mistakes. Some may not get caught and some do. Still, most convictions are based on who you know and how much money you have to afford a reasonable attorney if the police officer uses his "discretion" to arrest you. If they do, the prosecutor can nolle prosequi it, offer you a stet or PBJ, or dismiss it for reasons I will not go into. Even the Judge can offer a plea or a reduction of a sentence as well as set aside a verdict. This is not equal justice. On the entrance of the Supreme Court, it says "Equal Justice Under the Law"

Many of the legislative decisions I see are based on funds and not on what is right. You voted against the Unit Rule because it would be tough to do and also expensive. The fact is, if you repeal the Unit Rule, it won't remove all convictions, but it may help. In Stoddard v. State, 911 A. 2d 1245 - Md: Court of Appeals 2006, you can do a partial expungement under certain circumstances. Most believe that all Indictments are a Unit, but that is not always the case. Some indictments may have 5, or even 10 Units within one indictment. The COA stated, just because the State crams 10 or 20 charges into one indictment, does not make it one Unit. Like they did with me. Therefore if one or two Units in the same indictment have all not guilty s or they nolle prosequi some of the charges in that same unit, then all of them can be expunged.

Prosecutors will be overzealous and charge someone with everything possible. Maybe because they have a personal reason, or to try and force them into a plea and I am sure for other reasons, but that alone does not make it a Unit. It may cost the government a lot in the beginning to repeal the Unit Rule, but after most are expunged, it will trickle down to a normal amount. It is unfair to leave charges you were not guilty of on your record for life. Especially because the State added serious charges knowing they would probably not get convictions on them but if they get one conviction it will remain on their record for Life. I know because of the Stoddard case, you can do a partial expungement under certain circumstances because I did it, and for this reason, you should vote to repeal the Unit Rule. Even better would be to add all misdemeanors to the list and that would cut out most applying for a Unit Rule expungement, and expunge it all at once instead of twice.

I am sure the States Attorney's office will object to expanding expungements to include most all misdemeanors, but if the wait time is lowered, it may give people a chance to change their life for the better. There is a lot of crime now, and I contribute a lot of this because people can't get jobs or public assistance because of their records, no matter how old. Even with a record, if you are recharged with a new crime, if you're original charge is 15 years old or more, they cannot use it to impeach you with it if you testify. So for the States Attorneys to argue it should not be expunged, how does it help them unless you are found guilty of the new crime even though 15 years have passed? To be fair and honest, there is one exception to the 15-year rule, and it only refers to one particular conviction, which may cover two convictions even though it should not exclude these two convictions since they are 15-plus years old and non-violent misdemeanors as well. Perjury is the only one listed, but I have a subornation of Perjury conviction. First of all, I did not suborn anyone to lie, and my attorneys asked him for corroboration, and he produced a fake work order. I was not there when they neither asked him, nor was I ever told about it, and if I was, I would have told my attorney not to use it unless they verify it because that person never mentioned it to me. My attorney after the trial told me they will check this work order and it better be accurate. They had an obligation to protect me but did not and gave this guy immunity to testify against me to get off. The elements for Perjury and Subornation are different. For perjury, you need two witnesses, but for Subornation, you only need one who is the one who lied, and of course, they gave him immunity so he would not be charged. We learned he had a sex-related charge statted or a PBJ I believe for solicitation and his wife at the time was divorcing him for being a compulsive liar but it was too late.

So I have been stuck with this now for 30 years. I always had pride in my word, and anyone who knows me knows my word is gold. I wrote this to add to what I sent in for JOTF, but this compliments the above.

If you have any questions about what I wrote you do not understand, call me. I know the cases well I cited.

I tried to shorten the issues so you would understand what I meant.

If you put yourself 'in the same position as someone who got out of prison, they may understand all the roadblocks they will encounter. (Schools, jobs, public assistance etc. People with money though go to prison. It really does not affect much like Martha Stewart.

It had a little effect on me either. I was single, kept my house, and made sure my dog was cared for and all my bills were paid and only my Chihuahua lived in the house. I did not want him to suffer. My accountant did a lot for me as well.

The state lied, the police lied and it was proven. The state piled on charges like I was saying they do and as the COA said in Stoddard. With me they charged me with carrying a loaded gun even though I had a permit in my pocket to carry it. They charged me with carrying a concealed weapon, which was a bottle key chain they removed from my keys. They Nollie the key chain because the person who sold it to me was there and would testify to what it was but the judge still allowed us to talk about it. They had the State police there since they control carry permits but they decided not to put them on so we did and all he could say is I had a permit. They charged me under one indictment but there actually 3 Units within that indictment which only I knew. When I did that partial expungement, the judge never saw the case I cited, Stoddard. He was very impressed. All the attorneys said I could not expunge any of them because it was a Unit but they interpreted the Unit rule wrong. You should not base someone's life because you do not want to spend the money having to deal with a lot of Units. Once they make the investment and get most done, like they do in Stoddard, they will have very few do each week or month. But if they allowed more expungements, they would not have to deal with many Units as much and instead of expunging non convictions based on the Unit rule, if they expanded expungements to cover all misdemeanors maybe with the exception of sexual related ones, they would not have to process a case twice. Unit Rule once and again for the non-convictions and once the other conviction becomes expunge-able, they will have to do it all again. Do it once and save time and money. I also feel they should do away with all mandatory minimums, They are not fair and like the higher courts say in most opinions, the judge saw the person testify etc. . So they give the court more credibility for that reason of why he made a decision at sentencing. This is what the judge is for. I will not say all judges are fair or equal since I had one years ago for two counts of theft of hand tools 30 years and consecutive but suspended 10 of that but 5 years' probation. I later found out that he offered my attorney a deal in chambers of about 2 years but said if I do not take his deal and go to court and lose, he would Hammer me at sentencing and so he did. I did receive a new sentencing but even he was just as bad and all he did was suspend 10 more years. Normally they should have given me the plea offer the original judge offered to make me whole, so to speak, but he did not. People with Murder do not get 30 years or 20 and sometimes less. Does this seem lie equal justice?

Thank You

Glenn Rosenberg

300 Belton Road

Silver Spring, MD 20901

301-593-1234

# **SB37 Testimony.pdf**

Uploaded by: Gregory Brown

Position: FAV



## Testimony for the Judicial Proceedings Committee

February 1<sup>st</sup>, 2023

### SB 37 Criminal Procedure – Expungement of Records – Waiting Periods

GREGORY BROWN  
PUBLIC POLICY  
COUNSEL

#### FAVORABLE

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PRESIDENT

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SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB 37, which would reduce waiting periods for the purposes of expungement of criminal records. Completion of a sentence of incarceration comes with many challenges for the newly released once they have returned to their communities. A few of the biggest challenges are employment and housing. Stable employment is much harder to acquire with certain criminal records. These records often present the same barrier to housing for the newly released and their families. SB37 would allow formerly incarcerated persons to overcome these barriers earlier in their reentry process by reducing the waiting periods to get their records expunged to much more reasonable time frames than those that are currently on the books.

#### **Expungement of records helps the fight against recidivism**

Access to stable housing and employment are two key elements in ensuring that formerly incarcerated people are not at risk of recidivating. Expungement is a necessary tool in driving down the need for recidivism such that it allows for the formerly incarcerated to no longer have to resort to criminal activity as a means of survival and providing for their loved ones. In this way, SB37 would also aid in ending mass incarceration in this state.

For the foregoing reasons the ACLU of MD urges a favorable report on SB37.

AMERICAN CIVIL  
LIBERTIES UNION  
FOUNDATION OF  
MARYLAND



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MARYLAND

# **In Support of REDEEM ACT CCJR.pdf**

Uploaded by: Heather Warnken

Position: FAV



**TESTIMONY IN SUPPORT OF THE REDEEM ACT:**

**Criminal Procedure – Expungement of Records – Modifications**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committees

FROM: **Heather Warnken, Executive Director, Center for Criminal Justice Reform, University of Baltimore School of Law**

DATE: February 1, 2023

My name is Heather Warnken and I am the Executive Director of the University of Baltimore School of Law’s Center for Criminal Justice Reform. The Center is dedicated to supporting community driven efforts to improve public safety and address harm and inequity caused by the criminal legal system.

In direct alignment with this mission, we are grateful for this opportunity to testify in support of the REDEEM Act, a direct mechanism for reducing the impact of incarceration and enhancing employment opportunities for lower income workers and job seekers throughout the state.

The impact of incarceration on individuals, families and communities is staggering, including the extensive list of collateral consequences that can follow a justice-involved individual for years, well after a case or period of incarceration concludes. These impacts span numerous areas central to a person’s ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.

A [groundbreaking study published in the journal Science Advances](#) in 2022 sheds light on the staggering impact of a criminal record on employment prospects specifically - not just for individuals but for the economy as a whole.<sup>1</sup> The study found that the stigma of a criminal record runs deeper than had ever previously been quantified: finding that more than half of unemployed men in their 30s have criminal records. Among 35-year-old unemployed men, 64 percent have been arrested and 46 percent have been convicted of a crime. The population of unemployed Americans is “uniquely saturated with individuals who have histories of involvement with the criminal justice system,” the study notes.

One commonsense and urgent way to address this is through the exact type of solutions posed in the REDEEM Act.

Every year, the approximately 15,000 Marylanders released from state prisons face substantial hurdles to their successful reentry. One out of three Marylanders returning from incarceration return to Baltimore City where our Center is located. It should light a fire under all of us to know that the racial disparities

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<sup>1</sup> <https://www.science.org/doi/10.1126/sciadv.abj6992>.



surrounding incarceration and the disenfranchisement it causes in this state are the highest in the nation: 72% of Maryland's prison population is black.

Given the substantial hurdles to successful reentry, high rates of recidivism should not surprise us. The Department of Justice has [found](#) half of all returning citizens recidivating within 3 years and 60 percent recidivating within 5 years.<sup>2</sup> The inability of returning citizens to find a job is a substantial driver of this, with up to 60 percent of formerly incarcerated persons remaining unemployed one year after their release. These figures are evidence that the lack of support provided for individuals upon their release from incarceration bears negative effects on public safety. Efforts to lower the crime rate in our state must address the root causes. The current waiting period for expungement limits vital support for individuals navigating reentry into society, detrimentally impacting efforts to improve public safety.

Maryland has substantially longer waiting periods for expungement than most other states in the nation. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence.

According to a [2022 report](#) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah.<sup>3</sup> With regards to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma.

The REDEEM Act simply shortens the waiting period after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision with the express intent of removing barriers to employment. It will facilitate access to employment and more for many among the 1.5 million Marylanders currently shut out of the workforce due to a criminal record. The provisions of this bill are well in line with what states across the country and across the political spectrum are embracing on this issue.

For these reasons, we urge a favorable report on The REDEEM Act.

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<sup>2</sup> <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-30-states-2005-patterns-2005-2010-update>.

<sup>3</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>.

**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Holly Powell

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of **District 46. I am testifying in support of Senate Bill 37.**



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
**Holly Powell, LCSW-C**  
**2308 Cambridge Street**  
**Baltimore, Maryland 21224**  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>

# **SURJ Redeem Act 2023 2 1.pdf**

Uploaded by: Jan Kleinman

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of Baltimore City, District 40. My childhood friend was incarcerated. Thankfully, he has managed to get released, yet his predicament has made me sensitive to this issue. My friend served his punishment and is now eager to restore his good name and contribute to his community. **I am testifying in support of Senate Bill 37.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37**.

Thank you for your time, service, and consideration.

Sincerely,  
Jan Kleinman  
816 Union Ave.  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

# **REDEEM Act - 50 State Table.pdf**

Uploaded by: Jeff Waldstreicher

Position: FAV

**50-State Table #1: Misdemeanor Convictions**

Waiting Periods for Record Clearing (Expungement or Sealing)

	No waiting period	From conviction	From completion of incarceration	From completion of incarceration and supervision	From another starting point*
<3	MS: 0 yrs.			WV: 1 or 2 yrs.	CA: 0 or 1 yrs.
<3					OH, MO: 1 yr.
<3					TX: 0 or 2 yrs.
<3					NV: 1 or 2 yrs.
<3					NM: 2 yrs.
<5		AL, ND: 3 yrs.	OR: 1 or 3 yrs.	CO, KS: 3 yrs.	AZ, NH: 2 or 3 yrs.
<5			MA: 3 yrs.		IL, WA: 3 yrs.
<5				MN: 2 or 4 yrs.	GA: 4 yrs.
<6		SC: 3 or 5 yrs.		OK: 0 or 5 yrs.	AR: 0 or 5 yrs.
<6				UT: 3 or 5 yrs.†	MI, NJ: 3 or 5 yrs.†
<6		IN, SD: 5 yrs.		KY, LA, RI, TN, VT, WY: 5 yrs.	MT: 5 yrs.
<8			VA: 7 yrs.		DE: 3-7 yrs.†
<8				NC: 5 or 7 yrs.	CT: 7 yrs.
<10		IA: 8 yrs.		DC: 8 yrs.	
10+		PA: 10 yrs.	NY: 10 yrs.	MD: 10 or 15 yrs.	

AK, Federal, FL, HI, ID, ME, NE, WI: No general record clearing for misdemeanor convictions

**50-State Table #2: Felony Convictions**

Waiting Periods for Record Clearing (e.g., Expungement or Sealing)

	From conviction	From completion of incarceration	From completion of incarceration & supervision	From another starting point‡
<4				CA: 0-2 yrs.
<4				OH: 1 or 3 yrs.
<4				IL, MO: 3 yrs.
<6				AR: 0 or 5 yrs.
<6			CO: 3 or 5 yrs.	NJ: 4 or 5 yrs.§
<6			KS, KY, MN, VT, WV: 5 yrs.	MS: 5 yrs.
<8		OR: 5 or 7 yrs.	UT: 7 yrs.	MI: 5 or 7 yrs.§
<8		MA: 7 yrs.		DE: 7 yrs.§
<11	ND: 5 or 10 yrs.	NY, VA: 10 yrs.	OK, TN, WA: 5 or 10 yrs.	NV: 2-10 yrs.
<11	IN: 8 or 10 yrs.		LA, RI: 10 yrs.	NM: 4-10 yrs.
<11				AZ, NH: 5 or 10 yrs.
<11				CT, WY: 10 yrs.
<21			NC: 10 or 20 yrs.	
<21			MD: 15 yrs.	

AL, AK, DC, Federal, FL, GA, HI, ID, IA, ME, MT, NE, PA, SC, SD, TX, WI: No general record clearing for felony convictions

# **REDEEM Act - Eligible Charges.pdf**

Uploaded by: Jeff Waldstreicher

Position: FAV

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
<b>REDEEM ACT: Misdemeanors Eligible</b>										
9-1	<b>Alcoholic Beverages</b> Intoxicated and endanger safety of person or property; or intoxicated or drink alcoholic beverage in public place and cause public disturbance	1-1661 1-1662	AB, §6-320	Misd.	90D		Person	VII	\$100	10Y
84-19	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 1st offense	1-0983 1-0984	BR, §5-712(b)(1)(i), (b)(2)(i)	Misd.	1Y		Property	VII	\$10,000	10Y
84-20	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 2nd offense	1-0983 1-0984	BR, §5-712(b)(1)(ii), (b)(2)(ii)	Misd.	2Y		Property	VII	\$15,000	10Y
84-21	<b>Commercial Fraud, Other</b> Failure to deposit money received under or in connection with preneed burial contract, 3rd or more offense	1-0983 1-0984	BR, §5-712(b)(1)(iii), (b)(2)(iii)	Misd.	3Y		Property	VI	\$20,000	10Y
84-22	<b>Commercial Fraud, Other</b> Misappropriation or fraudulent conversion of preneed trust funds in excess of \$100		1-0985 BR, §5-712(c)	Felony	10Y		Property	V	\$25,000	10Y
84-23	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, 1st offense		BR, §19-304	Misd.	1Y		Property	VII	\$1,000	10Y
84-24	<b>Commercial Fraud, Other</b> Violations of law relating to returnable containers and returnable textiles, subsequent		BR, §19-304	Misd.	3Y		Property	VII	\$2,500	10Y
84-25	<b>Commercial Fraud, Other</b> Violations of law relating to plastic secondary packaging, 1st offense	1-0877 1-0878	BR, §19-308(e)(1)	Misd.	1Y		Property	VII	\$1,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
84-26	Commercial Fraud, Other Violations of law relating to plastic secondary packaging, subsequent		BR, §19-308(e)(2)	Misd.	3Y		Property	VII	\$2,500	10Y
84-12	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 1st offense	1-0980 1-0981	BR, §5-610(a)(1), (b)(1) (penalty)	Misd.	1Y		Property	VII	\$5,000	10Y
84-13	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 2nd offense	1-0980 1-0981	BR, §5-610(a)(2), (b)(2) (penalty)	Misd.	2Y		Property	VII	\$10,000	10Y
84-14	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 6, 3rd or subsequent offense	1-0980 1-0981	BR, §5-610(a)(3), (b)(3) (penalty)	Misd.	3Y		Property	VI	\$20,000	10Y
84-16	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 1st offense	1-0731 1-0986	BR, §5-904(1) (penalty)	Misd.	1Y		Property	VII	\$5,000	10Y
84-17	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 2nd offense		BR, §5-904(2) (penalty)	Misd.	2Y		Property	VII	\$10,000	10Y
84-18	Commercial Fraud, Other Violation of any provision of Business Regulation Article, Title 5, Subtitle 9, 3rd or subsequent offense		BR, §5-904(3) (penalty)	Misd.	3Y		Property	VI	\$15,000	10Y
25-7	Assault and Other Bodily Woundings Failure to comply with or violation of peace order, 1st offense	2-0105	CJ, §3-1508(a)(1)	Misd.	90D		Person	VII	\$1,000	10Y
25-8	Assault and Other Bodily Woundings Failure to comply with or violation of peace order, subsequent	2-0105	CJ, §3-1508(a)(2)	Misd.	1Y		Person	VII	\$2,500	10Y
369	Surveillance and Other Crimes Against Privacy Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	\$10,000	10Y
244-2	Maryland Credit Services Businesses Act Violation of any provision of Maryland Credit Services Businesses Act		CL, §14-1915 (penalty)	Misd.	3Y		Property	VI	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
145	False Advertising and Related Crimes False and fraudulent advertising		CL, §14-2902	Misd.	1Y		Property	VII	\$1,000	10Y
146	False Advertising and Related Crimes Bait and switch		5-2607 CL, §14-2903	Misd.	1Y		Property	VII	\$500	10Y
307-1	Pretrial Release, Crimes Involving Failure to appear in connection with a felony		1-1474 CP, §5-211(c)(1)	Misd.	5Y		Person	V	\$5,000	10Y
307-2	Pretrial Release, Crimes Involving Failure to appear in connection with a misdemeanor or for appearance as witness		1-1475 CP, §5-211(c)(2)	Misd.	1Y		Person	VII	\$1,000	10Y
24	Assault and Other Bodily Woundings Assault, 2nd degree	1-1415	CR, §3-203	Misd.	10Y		Person	V	\$2,500	15Y
151-1	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, 1st offense	1-0651	CR, §3-808(b)(1)	Misd.	1Y		Property	VII	\$10,000	10Y
151-2	False Statements, Other File false lien or encumbrance or make false statement on lien or encumbrance, subsequent		CR, §3-808(b)(1)	Misd.	5Y		Property	VI	\$10,000	10Y
69	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— marijuana	1-1559 1-1560 1-1561 1-1562 1-1563 1-1564	CR, §5-601(c)(2)(i)	Misd.	6M		Drug	VII	\$1,000	10Y
69-1	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— non-marijuana, 1st offense	1-1110 1-1111 1-1112 1-1113 1-1114 1-1115 1-1117	CR, §5-601(c)(1)(i)	Misd.	1Y		Drug	VII	\$5,000	10Y
69-2	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— non-marijuana, 2nd or 3rd offense		CR, §5-601(c)(1)(ii)	Misd.	18M		Drug	VII	\$5,000	10Y



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
69-3	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label— non-marijuana, 4th or subsequent offense		CR, §5-601(c)(1)(iii)	Misd.	2Y		Drug	VII	\$5,000	10Y
	<b>Cannabis Possession with intent to distribute</b>	Will Change 7/1/	5-602(b)(1),	Misd.	?		Drug	?	?	10Y
71	CDS and Paraphernalia Possession/purchase of non-CDS believed to be a controlled dangerous substance	1-0691	CR, §5-618(a)	Misd.	1Y		Drug	VII	\$500	10Y
62	CDS and Paraphernalia Paraphernalia—deliver drug paraphernalia to minor by adult who is 3 or more years older		7-3550 CR, §5-619(d)(4)	Misd.	8Y		Drug	IV	\$15,000	10Y
66-1	CDS and Paraphernalia Paraphernalia—deliver or sell, or manufacture or possess with intent to deliver or sell, drug paraphernalia, previous conviction for deliver drug paraphernalia to minor by adult who is 3 or more years older		CR, §5-619(d)(3)	Misd.	2Y		Drug	VII	\$2,000	10Y
64	CDS and Paraphernalia Paraphernalia—possess or distribute controlled paraphernalia—marijuana	1-0566 1-1287	CR, §5-620(d)(2)	Misd.	1Y		Drug	VII	\$1,000	10Y
65	CDS and Paraphernalia Paraphernalia—possess or distribute controlled paraphernalia—non marijuana	1-0255 1-0256 1-0257	CR, §5-620(d)(1)	Misd.	4Y		Drug	V	\$25,000	10Y
70	CDS and Paraphernalia Possession—unsolicited mailing of certain drugs, controlled dangerous substances, medicines, etc.		1-0025 CR, §5-703	Misd.	6M		Drug	VII	\$500	10Y
305	Prescription Drugs and Other Substances Harmful substances—smelling or inhaling harmful substances		1-5599 CR, §5-708(b)	Misd.	6M		Drug	VII	\$500	10Y
74	CDS—Registration Manufacture CDS which was not authorized by registration		8-3550 CR, §5-902(b)	Misd.	2Y		Drug	VII	\$100,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
75	CDS—Registration CDS Registration—unlawful acts	1-0258 1-0259 1-0260 1-0261 1-0262 1-1445 1-3550	CR, §5-902(a)	Misd.	2Y		Drug	VII	\$100,000	10Y
18	Arson and Burning Burn personal property of another less than \$1,000 (malicious burning, 2nd degree)	1-6503	CR, §6-105(b)	Misd.	18M		Property	VII	\$500	10Y
19	Arson and Burning Arson—trash bin		2-2003 CR, §6-108(a)	Misd.	30D		Property	VII	\$500	10Y
48	Burglary and Related Crimes Burglary, 4th degree	1-1130 2-3030 2-3040 2-3045 2-3050	CR, §6-205	Misd.	3Y		Property	VII		10Y
47	Burglary and Related Crimes Breaking and entering—motor vehicle (rogue and vagabond)	2-3080 2-3090	CR, §6-206	Misd.	3Y		Property	VII		10Y
381	Telecommunications and Electronics, Crimes Involving Unauthorized connections, etc.; tampering or interfering with meters, poles, wires, etc.	1-0215 1-0217 1-2608	CR, §6-303	Misd.	6M		Property	VII	\$500	10Y
239	Malicious Destruction and Related Crimes Serial numbers, removing, etc.	1-0291 2-2800	CR, §6-306(a)	Misd.	18M		Property	VII	\$500	10Y
239-1	Malicious Destruction and Related Crimes Sell or possess stolen serial number or vehicle identification plate, etc.	2-2810 2-2820	CR, §6-307	Misd.	18M		Property	VII	\$500	10Y
387-4	Trespass Trespass on posted property or private property, 2nd offense within 2 years after first violation		CR, §6-402(b)(2) CR, §6-403(c)(2)	Misd.	6M		Property	VII	\$1,000	10Y
387-5	Trespass Trespass on posted property or private property, 3rd and subsequent offense within 2 years after preceding violation		CR, §6-402(b)(3) CR, §6-403(c)(3)	Misd.	1Y		Property	VII	\$2,500	10Y
388-1	Trespass Trespass on railroad vehicle		CR, §6-503(c)	Misd.	6M		Property	VII		10Y
384-4	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$1,500, 5th or subsequent offense		CR, §7-104(g)(4)	Misd.	5Y		Property	VI	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
385	Theft, Crimes Involving Misdemeanor theft or theft scheme, less than \$100	1-0521 1-1631	CR, §7-104(g)(3)	Misd.	90D		Property	VII	\$500	10Y
388-2	Unlawful Use of Goods Unauthorized removal of property	1-1466 1-1467	CR, §7-203	Misd.	4Y	6M	Property	VI	\$50—\$100	10Y
388-3	Unlawful Use of Goods Fraud—abandoning or refusing to return leased motor vehicle	1-0220 1-2405	CR, §7-205(a)	Misd.	1Y		Property	VII	\$500	10Y
381-1	Telecommunications and Electronics, Crimes Involving Obtaining, selling, etc., telephone record without authorization	1-0593	CR, §7-304	Misd.	2Y		Property	VII	\$2,000	10Y
373	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters— prohibition against audiovisual recording		1-0336 CR, §7-308(e) CR, §7-309	Misd.	1Y		Property	VII	\$2,500	10Y
373-1	Telecommunications and Electronics, Crimes Involving Motion Picture Theaters— prohibition against audiovisual recording, subsequent		CR, §7-308(e) CR, §7-309	Misd.	3Y		Property	VI	\$10,000	10Y
36	Bad Check Misdemeanor bad check, at least \$100 but less than \$1,500	1-1167 1-1171 1-1175 1-1179 1-1184	CR, §8-103 CR, §8-106(c)	Misd.	1Y		Property	VII	\$500	10Y
36-1	Bad Check Misdemeanor bad check, less than \$100	1-1141 1-1142 1-1143 1-1144 1-1240	CR, §8-103 CR, §8-106(d)	Misd.	90D		Property	VII	\$500	10Y
114-4	Credit Card Crimes Misdemeanor credit card crimes, at least \$100 but less than \$1,500	1-1185 1-1192 1-1195 1-1199 1-1353 1-1358	CR, §8-206(c)(2) CR, §8-207(b)(2) CR, §8-209(b)(2)	Misd.	1Y		Property	VII	\$500	10Y
115	Credit Card Crimes Misdemeanor credit card crimes, less than \$100	1-0581 1-0582 1-0583 1-0584 1-0585 1-0586	CR, §8-206(c)(3) CR, §8-207(b)(3) CR, §8-209(b)(3)	Misd.	90D		Property	VII	\$500	10Y
86	Commercial Fraud, Other Fraud—convert to own use the property of partner, make entries of a partnership transaction	2-2701 3-2607	CR, §8-401(a)	Misd.	10Y		Property	VI	\$5,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
87	Commercial Fraud, Other Fraud, misrepresentation by corporate officer		4-2607 CR, §8-402(a)	Misd.	3Y	6M	Property	VI	\$1,000-\$10,000	10Y
95	Commercial Fraud, Other Fraud—pyramid, promotional scheme		6-2600 CR, §8-404(b)	Misd.	1Y		Property	VII	\$10,000	10Y
85	Commercial Fraud, Other Fraud—breach of trust		1-2602 CR, §8-406(a)	Misd.	10Y	1Y	Property	VI	\$500-\$5,000	10Y
98	Commercial Fraud, Other Unlawful subleasing of motor vehicle		2-0615 CR, §8-408(b)	Misd.	3Y		Property	VII	\$5,000	10Y
327	Public Fraud Fraud—Public Assistance fraud, generally (with the exception of Medicaid fraud)		7-2607 CR, §8-503(b)	Misd.	3Y		Property	VII	\$1,000	10Y
328	Public Fraud Fraud—Falsely obtain legal representation by the Office of the Public Defender		6-2607 CR, §8-521(b)	Misd.	1Y		Property	VII	\$1,000	10Y
328-1	Public Fraud Fraud—Housing assistance fraud; Making false statements		1-0419 CR, §8-523(b)	Misd.	3Y		Property	VII		10Y
171	Gambling—General Provisions Fraud—enter horse in a race under a name other than that assigned and registered; racing horse under a false or unregistered name		1-0231 CR, § 8-904	Misd.	3Y		Property	VII	\$5,000	10Y
39	Bribery Person or persons who bribe or attempt to bribe a participant, etc., in athletic contest		1-5100 CR, §9-204	Misd.	3Y	6M	Property	VI	\$100—\$5,000	10Y
40	Bribery Bribery—athletic contestant accepts bribe		2-5103 CR, §9-205	Misd.	3Y		Property	VII	\$5,000	10Y
153	False Statements, Other False Statement—to official or agencies of State or its subdivisions		1-5099 CR, §9-503(a)	Misd.	6M		Property	VII	\$500	10Y
152	False Statements, Other False statement—on application for funds for Maryland higher education commission		2-5099 CR, §9-506(a)	Misd.	1Y		Property	VII	\$5,000	10Y
333	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter greater than 500 lbs. in weight or 216 cubic feet in volume or for commercial purposes	1-0645 1-0646 1-1427	CR, §10-110(f)(2)(iii)	Misd.	5Y		Property	VI	\$30,000	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
338	Public Health and Safety, Crimes Against Unlawfully cause or unlawfully dump, deposit, throw, etc., litter, greater than 100 lbs. in weight or 27 cubic feet in volume	1-0643 1-0644 1-1426	CR, §10-110(f)(2)(ii)	Misd.	1Y		Property	VII	\$10,000	10Y
127-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Disturbing the peace, disorderly conduct in public place	2-0045 2-0050 2-0055 2-0060 2-0065	CR, §10-201	Misd.	60D		Person	VII	\$500	10Y
76	Cemeteries and Funerary Objects, Crimes Involving Removal or attempted removal of human remains from a burial site		3-3932 CR, §10-402(a)	Misd.	5Y		Property	VI	\$10,000	10Y
369	Surveillance and Other Crimes Against Privacy Divulging contents of communications		CJ, §10-402(e)	Misd.	5Y		Property	VI	\$10,000	10Y
77	Cemeteries and Funerary Objects, Crimes Involving Destruction of funerary objects/structures placed in a cemetery		3-3942 CR, §10-404(a)	Misd.	5Y		Property	VI	\$10,000	10Y
78	Cemeteries and Funerary Objects, Crimes Involving Destruction of graveyard plants	3-3946	CR, §10-404(b)	Misd.	2Y		Property	VII	\$500	10Y
79	Cemeteries and Funerary Objects, Crimes Involving Disorderly conduct in cemetery		3-3947 CR, §10-404(c)	Misd.	2Y		Property	VII	\$500	10Y
244-1	Marriage, Crimes Against Bigamy		1-3804 CR, §10-502(b)	Misd.	9Y		Person	VI		10Y
314	Prostitution and Related Crimes Engage in prostitution or assignation; occupy a building for prostitution or assignation	1-1093	CR, §11-303	Misd.	1Y		Person	VII	\$500	10Y
315	Prostitution and Related Crimes Procure or solicit or offer to procure or solicit prostitution or assignation	1-1730	CR, §11-306	Misd.	1Y		Person	VII	\$500	10Y
316	Prostitution and Related Crimes Allow a building to be used for prostitution or assignation; allow a person into a building for prostitution or assignation; or keep, set up, etc., a building for prostitution or assignation	1-1731	CR, §11-307	Misd.	1Y		Person	VII	\$500	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
168	Gambling—General Provisions Make or sell a book or pool on the result of a race, etc.; establish, keep, etc., a building, vessel, or place for the purpose of betting, etc.; receive, become the depository of, etc., money to be bet, etc.	1-1710 1-1711	CR, §12-102(b)	Misd.	6M		Property	VII	\$5,000	10Y
			CR, §12-103	Misd.						10Y
166	Gambling—General Provisions Rent place for gambling	2-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500	10Y
169	Gambling—General Provisions Gambling—keeping gaming table or place	1-3908 1-3921	CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500	10Y
170	Gambling—General Provisions Owner/occupier of building knowingly permits gaming table to be kept		2-3908 CR, §12-104(a)	Misd.	1Y	6M	Property	VII	\$500	10Y
173	Gambling—General Provisions Off-shore gambling		6-2620 CR, §12-105(b)	Misd.	1Y		Property	VII	\$200- \$1,000	10Y
167	Gambling—General Provisions Fix horse race	1-0433	CR, §12-109(a)	Misd.	3Y		Property	VII	\$5,000	10Y
229	Lotteries Lotteries—hold lottery or sell lottery device	1-3918 2-3925 2-3930	CR, §12-203	Misd.	12M	3M	Property	VII	\$200- \$1,000	10Y
231	Lotteries Lotteries—keep place for selling lottery device or allow property to be used for selling lottery device	4-3921 5-3921	CR, §12-204	Misd.	1Y		Property	VII	\$1,000	10Y
174	Gambling—General Provisions Keep, etc. slot machine unlawfully		3-3908 CR, §12-302(a)	Misd.	1Y		Property	VII	\$1,000	10Y
136-7	Election Offenses Publish, distribute, etc., campaign material that violates authority line requirements in EL, §13-401		1-1551 EL, §13-401 EL, §13-602 (penalty)	Misd.	1Y		Property	VII	\$1,000	10Y
135-1	Election Offenses Voting offenses	1-1501	EL, §16-201	Misd.	5Y		Property	VII	\$5,000	10Y
25-5	Assault and Other Bodily Woundings Failure to comply with or violation of protective order, 1st offense	2-0254	FL, §4-509(a)(1)	Misd.	90D		Person	VII	\$1,000	10Y
25-6	Assault and Other Bodily Woundings Failure to comply with or violation of protective order, subsequent	2-0354	FL, §4-509(a)(2)	Misd.	1Y		Person	VII	\$2,500	10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
330	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception		HG, §18-215(f)(1)(i)	Misd.	5Y		Property	V	\$100,000	10Y
330-1	Public Fraud Request or obtain info on HIV and/or AIDS under false pretenses or deception with intent to sell		HG, §18-215(f)(1)(ii)	Misd.	10Y		Property	IV	\$250,000	10Y
146-1	False Statements, Other False statement—to Department of Housing and Community Development, in document required under or to influence action on a Rental Housing Program loan		HS, §4-411	Misd.	5Y		Property	VII	\$50,000	10Y
146-2	False Statements, Other False statement—to Department of Housing and Community Development, in document required under or to influence action on an Energy-Efficient Homes Construction Loan Program loan		HS, §4-2005	Misd.	5Y		Property	VII	\$50,000	10Y
82-1	Commercial Fraud, Other Fraudulent Insurance Acts— Violation of §§27-407 or any other provision of §§27-403, 27-404, 27-405, 27-406, 27-406.1, 27-407, 27-407.1, or 27-407.2 where the value of the fraud is less than \$300	1-0899 1-0901 3-0127 3-0135 3-0140 3-0145 3-0155 3-0165 3-0185	IN, §27-408(a)(2) (penalty)	Misd.	18M		Property	VII	\$10,000	10Y
	<b>Boating - Natural Resources</b>		§ 8-725.4, § 8-725.5, § 8-725.6, § 8-725.7, § 8-726, § 8-726.1, § 6 8-727.1, or § 8-738.2 of the Natural Resources Article or any prohibited act related to speed 7 limits for personal watercraft;							10Y
			PS §5-307 PS, §5-308	Misd.						10Y
219	Interference with or Misuse of Government Operations Interference, obstruction or false representation of fire or emergency services personnel	1-0165 2-0249 4-5397 4-5398 4-5399	PS, §6-602 PS, §7-402	Misd.	3Y		Person	VII		10Y

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
129-1	Disturbing the Peace, Disorderly Conduct, and Related Crimes Willfully violate order given by Governor in time of emergency		PS, §14-114	Misd.	1Y		Person	VII	\$5,000	10Y
84-5	Commercial Fraud, Other Failure of foreclosure consultant to obtain a real estate broker's license		RP, §7-318.1(a) RP, §7-321 (penalty)	Misd.	3Y		Property	VI	\$10,000	10Y
84-11	Commercial Fraud, Other Violation of any provisions of Maryland Mortgage Assistance Relief Services Act		1-1424 RP, §7-509 (penalty)	Misd.	3Y		Property	VI	\$10,000	10Y
84-1	Commercial Fraud, Other Sales of property, Custom Home Protection Act—any other conduct that fails to comply with RP, Title 10, Subtitle 5		1-1507 RP, §10-507(b)(3)	Misd.	1Y		Property	VII	\$1,000	10Y
232	Lotteries Prohibited acts relating to State lottery	1-0114 2-1173	SG, §9-124	Misd.	3Y		Property	VII	\$2,500	10Y
149	False Statements, Other Fraud—willful failure to file income tax return		1-0831 TG, §13-1001(d)	Misd.	5Y		Property	VI	\$10,000	10Y
151	False Statements, Other Fraud—willful preparation of false income tax return		1-0751 TG, §13-1004	Misd.	5Y		Property	VI	\$10,000	10Y
150	False Statements, Other Fraud—willful failure to withhold income tax		TG, §13-1007(b)	Misd.	5Y		Property	VI	\$10,000	10Y
148	False Statements, Other Fraud—failure to provide or providing false information willfully or with intent to evade taxes		1-0828 TG, §13-1024(a)	Misd.	18M		Property	VI	\$5,000	10Y
258	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, 1st offense		TR, §16-303(k)(1)(i)	Misd.	1Y		Property	VII	\$1,000	10Y
258-1	Motor Vehicle Offense Driving while license is refused, canceled, suspended, or revoked, subsequent offense within 3 years of prior conviction		TR, §16-303(k)(1)(ii)	Misd.	2Y		Property	VI	\$1,000	10Y
<b>REDEEM ACT: Felonies Eligible</b>										
383	Theft, Crimes Involving Felony theft or theft-scheme, \$100,000 or greater	1-1134 1-1303	CR, §7-104(g)(1)(iii)	Felony	20Y		Property	III	\$25,000	15Y



COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine	WAITING PERIOD (EXPUNGEMENT)
384	Theft, Crimes Involving Felony theft or theft scheme, at least \$25,000 but less than \$100,000	1-1135 1-1139	CR, §7-104(g)(1)(ii)	Felony	10Y		Property	V	\$15,000	15Y
384-1	Theft, Crimes Involving Felony theft or theft scheme, at least \$1,500 but less than \$25,000	1-1136 1-1160	CR, §7-104(g)(1)(i)	Felony	5Y		Property	VI	\$10,000	15Y
53-1	CDS and Paraphernalia Knowingly violated CR, §5-602 with a mixture of heroin and fentanyl or any analogue of fentanyl; or fentanyl or any analogue of fentanyl		1-0908 CR, §5-608.1	Felony	10Y		Drug	IIIC		15Y
	Burglary and Related Crimes Burglary,		CR, §6-202(a)	Felony			Property			15Y
43	Burglary and Related Crimes Burglary, 2nd degree	2-3010	CR, §6-203(c)(1)	Felony	15Y ♦		Property	IV		15Y
44	Burglary and Related Crimes Burglary, 2nd degree, steal or take firearm		2-3015 CR, §6-203(c)(2)	Felony	20Y ♦		Property	IV	\$10,000	15Y
45	Burglary and Related Crimes Burglary, 3rd degree	2-3020	CR, §6-204	Felony	10Y ♦		Property	IV		15Y

# **Senator Jeff Waldstreicher Testimony - SB 37 - RED**

Uploaded by: Jeff Waldstreicher

Position: FAV

SENATOR JEFF WALDSTREICHER  
Legislative District 18  
Montgomery County

Vice Chair  
Judicial Proceedings Committee

Joint Committee on Federal Relations



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*The Senate of Maryland*  
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jeff Waldstreicher  
**Senate Bill 37 – Criminal Procedure – Expungement of Records – Waiting Periods  
(REDEEM Act of 2023)**

February 2, 2023

Chairman Smith & Members of the Judicial Proceedings Committee:

As you know, criminal records follow an offender long after their debt to society has been repaid. These records often act as impediments to gainful employment, education, housing, public assistance, occupational licensing, and much more. The majority of the 15,000 Marylanders released from state prisons every year struggle to secure a job, find a place to live, and re-enter society. The REDEEM Act of 2023 would remedy this inequity by modernizing Maryland’s expungement waiting periods for certain misdemeanors and non-violent felonies.

Maryland’s current expungement structure, including its waiting periods, were part of a historic bipartisan compromise known as the Justice Reinvestment Act. The bill was shepherded by the Chairman, with strong support from Senator Hough, Senator West, and Governor Hogan—who enthusiastically signed the bill. Now 7 years old, the passage of time allows us to evaluate how our expungement waiting periods compare to the waiting periods in other states.

And what we find, unfortunately, is that Maryland has longer expungement waiting periods than most other states. Indeed, 42 states have shorter waiting periods for misdemeanor expungement, including deep red states like Texas, Alabama, Mississippi, and Utah.

And unlike other states, the waiting period kicks in after an offender has completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. There’s nothing wrong with that as policy, but in practice unfortunately it can create unintentionally absurd results. Because in most instances, the waiting periods are far longer than the actual sentence.

In order to better align Maryland with other states, the REDEEM Act of 2023 makes the following changes to our expungement waiting periods:

1. *Eligible* misdemeanors
  - a. From 10 to 3 years
2. Contact misdemeanors (common-law battery & 2nd degree assault)
  - a. From 15 to 5 years
3. *Eligible* non-violent felonies
  - a. From 15 to 5 years

Let me make one thing clear. Here's what the bill does NOT do: It does not expand or change in any way the misdemeanors or felonies eligible for expungement. The eligibility of an offense is defined in the Justice Reinvestment Act, and that eligibility is unaltered here. This legislation simply rationalizes the waiting period for offenses that are already eligible.

In sum, Maryland law should not be the reason that returning citizens are locked out of employment over a decade after they have repaid their debts to society. This legislation will improve offender re-entry, reduce recidivism, and is a logical and necessary addendum to the bipartisan work of the Justice Reinvestment Act. For these reasons, I respectfully urge a favorable report on Senate Bill 37.

Very truly yours,

A handwritten signature in black ink, reading "Jeff Waldstreicher". The signature is written in a cursive style with a large, stylized "J" and "W".

Senator Jeff Waldstreicher

**HPP SB 37 Testimony- FAV (FINAL).pdf**

Uploaded by: Jessica Emerson

Position: FAV

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 37  
**TITLE:** Criminal Procedure – Expungement – Waiting Periods  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 2, 2023  
**POSITION:** SUPPORT

Senate Bill 37 would amend Maryland’s expungement law by shortening the required waiting periods for applying for expungement. As an organization whose mission it is to support criminalized survivors of human trafficking, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will enhance the effectiveness of Maryland’s expungement framework by providing improved access to criminal record relief for all Marylanders, including survivors of human trafficking.

Maryland has drastically longer expungement waiting periods than most other states in the nation, which creates major obstacles for any Marylander hoping to petition for relief,<sup>1</sup> including criminalized survivors of trafficking. Longer waiting periods have historically reflected the belief that individuals should only be eligible for expungement after successfully showcasing their rehabilitation through a period of crime-free behavior.<sup>2</sup> However, many states have since shortened waiting periods in recognition of the inverse, which is that record clearing actually plays a constructive role in facilitating the crime-free rehabilitation most expungement statutes require,<sup>3</sup> and that lengthy waiting periods may actually contribute to recidivism rather than discourage it.<sup>4</sup> SB 710 would support this research by reducing waiting periods for both non-convictions and convictions alike.

It is also important to note that criminal records are both a predictor *and* the result of exposure to human trafficking. Criminal convictions create significant barriers to individuals who seek to find lawful employment, safe housing and education and continue to haunt trafficking survivors long after they escape their trafficking situation. Data obtained from a national survey of both sex and labor trafficking survivors shows 91% of survivors reporting having been arrested at some point in their lives with over 50% of those survivors stating that every single arrest on their record was a direct result of their trafficking experience. Of the 24.6% of respondents who reported they had cleared, or had begun to clear their records, all reported it was a long and painful process. Given the fundamental injustice that so many survivors are already forced to endure due to the consequences of a criminal record that so often stems from crimes they were compelled to commit, it is essential that any state-based remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent survivors from

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<sup>1</sup> Margaret Love & David Schlüssel, *Waiting for Relief, A National Survey of Waiting Periods for Record Clearing*, Collateral Consequences Resource Center, 1-5 (2022) (showing 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regards to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma).

<sup>2</sup> Brian M. Murray, *Retributive Expungement*, 169 U. Pa. L. Rev. 665, 683 (2021), [https://www.pennlawreview.com/wp-content/uploads/2021/05/Murray\\_Final.pdf](https://www.pennlawreview.com/wp-content/uploads/2021/05/Murray_Final.pdf).

<sup>3</sup> J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 Harvard L. Rev. 2460, 2479 (2020), <https://harvardlawreview.org/2020/06/expungement-of-criminal-convictions-an-empirical-study/>.

<sup>4</sup> *Research on Recidivism and Employment*, Nat’l Inst. Of Justice, <http://www.nij.gov/topics/corrections/reentry/pages/employment.aspx>.

moving forward with their lives.

In recent years, Maryland has shown its strong support for remedying the impact a deeply flawed criminal legal system has on the ability of its citizens to escape poverty and lead productive lives. Reducing excessive expungement waiting periods supports proactive rehabilitation and will allow all Marylanders, including criminalized survivors, to escape the shadow of their criminal records. For these reasons, the Human Trafficking Prevention Project supports Senate Bill 37, and respectfully urges a favorable report.

**For more information, please contact:  
Jessica Emerson, LMSW, Esq.  
Director, Human Trafficking Prevention Project  
(E): [jemerson@ubalt.edu](mailto:jemerson@ubalt.edu)**

# **WDC 2023 Testimony SB0037\_Final2.pdf**

Uploaded by: JoAnne Koravos

Position: FAV





MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**Senate Bill 37 - Criminal Procedure – Expungement of Records – Waiting Periods (REDEEM Act)  
Judicial Proceedings Committee – February 2, 2023  
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club** (WDC) for the 2023 legislative session. WDC is one of the largest and most active Democratic clubs in our county with hundreds of politically active members, including many elected officials. WDC is joining with the Job Opportunities Task Force and other criminal justice advocates to urge the passage of **SB0037**, a bill to reduce waiting periods for criminal record expungement in order to enhance the employability of, and reduce unemployment among, individuals who have experienced incarceration.

Every year thousands of Marylanders are released from state prisons and struggle to find jobs and a place to live in order to successfully reenter society. The stigma of a criminal record has been reported to be one of the most well-documented barriers to successful re-integration.<sup>1</sup> The appearance of a criminal record on a routine background check can, and many times will, block access to employment, education, housing, financial credit, and occupational licensing. WDC believes it is imperative that Maryland take steps to address the collateral consequences for Marylanders with criminal records, who are disproportionately Black and poor, by dealing with one of the obstacles to employment and successful reentry. Blocking access to employment after incarceration can have a devastating impact on families, particularly women and children already living in poverty.

Maryland has significantly longer waiting periods for expungement than most states.<sup>2</sup> For example, in the case of non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, requiring a wait of 15 years after an individual has completed the sentence, parole or probation, drug treatment, and any mandatory supervision. Unreasonably long waiting periods have left individuals released from prison with insurmountable barriers to successful reentry. There are high rates of recidivism among returning citizens in Maryland, and the inability of returning citizens to find employment is one of the primary drivers.

The REDEEM Act simply shortens the waiting periods after the completion of an entire sentence, parole or probation, drug treatment, and any mandatory supervision—from 10 to 3 years for a group of misdemeanors and from 15 to 5 years for non-violent felonies. Passing the REDEEM Act will bring Maryland in line with a large and diverse group of states that have shortened waiting periods in recognition of the constructive role that record clearance plays in improving re-integration outcomes and the benefits to society and the community at large.

**We ask for your support for SB0037 and strongly urge a favorable Committee report.**

Diana E. Conway  
WDC President

Holly Syrrakos  
WDC Advocacy Committee

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<sup>1</sup>"A better path forward for criminal justice, A report by the Brookings-AEI Working Group on Criminal Justice Reform (April 2021), p. 75, <https://www.brookings.edu/multi-chapter-report/a-better-path-forward-for-criminal-justice/>

<sup>2</sup>Margaret Love & David Schlusel, "Waiting for Relief: A National Survey of Waiting Periods for Record Clearing," Collateral Consequences Res. Ctr. (February 2022), [https://mgaleg.maryland.gov/cmte\\_testimony/2022/jpr/101gq0baEmE7gO3Rc1gYAs-GLWSe7dSy.pdf](https://mgaleg.maryland.gov/cmte_testimony/2022/jpr/101gq0baEmE7gO3Rc1gYAs-GLWSe7dSy.pdf)

**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: John Ford

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident MD District 46. I am a workforce development professional working for the City of Baltimore. I know from my experience how much of a barrier a criminal record can be to re-entry and workforce participation. To end post-carceral extrajudicial punishment, fight crime, and help create a better economy for the working class, **I am testifying in support of Senate Bill 37.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
**John Ford**  
**3301 Fleet St**  
**Baltimore, MD 21224**

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>

# **HPRP Testimony SB 37 1-2023.pdf**

Uploaded by: Kirsten Downs

Position: FAV

## SUPPORT

### **SB37– Criminal Procedure-Expungement of Records-Waiting Periods (REDEEM Act of 2023)**

Testimony of  
Kirsten Gettys Downs, Executive Director  
Homeless Persons Representation Project

Thursday, February 2, 2023  
Senate Judiciary Committee

*Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services organization providing free legal representation to people who are housing insecure on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.*

### **SB37 will provide relief to expungement for vulnerable Marylanders.**

The Homeless Persons Representation Project supports SB37. SB37 will reduce the waiting periods for filing to expunge eligible convictions. Shortening waiting periods will allow individuals to realize the benefits of expungement on time-sensitive matters such as access to employment and housing. Under current law, Maryland requires a person to wait for ten or fifteen years after the resolution of all sentence requirements to obtain expungement of limited convictions. These are the most prolonged waiting periods in the United States. According to a recent national survey conducted by the Collateral Consequences Resource Center (CCRC), a near majority of the “44 states that authorize clearing of misdemeanor convictions...have waiting periods of 3 years or less (19 states) and the vast majority have waiting periods of 5 years or less (35 states).”<sup>1</sup> Many states have “shortened waiting periods recognizing the constructive role that record clearance plays in facilitating reentry and rehabilitation[.]”<sup>2</sup> SB37 brings Maryland in line with other states by reducing wait times for expungement of misdemeanor convictions from the longest in the nation to the current norm of 3 years.

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<sup>1</sup> Collateral Consequences Resource Center, *Waiting for Relief: A National Survey of Waiting Periods for Record Clearing*, February 23, 2022, available at <https://ccresourcecenter.org/2022/02/23/waiting-for-relief-a-national-survey-of-waiting-periods-for-record-clearing/>.

<sup>2</sup> *Id.*

**A decade or longer waiting period for expungements is inconsistent with legislative goals of reducing recidivism and increasing economic opportunities.**

Recent studies have reconsidered the markers of recidivism. Previously, having a criminal record was the primary factor that lawmakers relied on to assess the risk of recidivism and set post-conviction policies. More recently, researchers have determined that lack of employment, housing, and other economic opportunities are more accurate markers for the risk of recidivism.<sup>3</sup> The US Department of Justice noted that the lack of access to resources significantly contributes to recidivism, particularly the diminished access to food, shelter, and healthcare created by unemployment.<sup>4</sup> The collateral consequences of even a misdemeanor conviction can follow criminal-system-involved persons well past their sentence or incarceration. The resulting criminal record creates barriers to economic and employment opportunities. The existing long waiting periods reinforce these barriers. For example, under current law, an individual convicted of trespass would have to wait a decade to be considered for employment opportunities that could provide food, safe housing, and other economic opportunities for herself and her family. The shortened waiting periods proposed by SB37 will minimize the impact of criminal records and allow criminal-system-involved individuals to participate in their communities fully.

**Criminal records disproportionately impact Black and brown communities.**

It is well established that the criminal system has disproportionately impacted people of color. Efforts to reform this racial injustice must include addressing the collateral consequences of decades of discriminatory policies, such as the economic barriers created by criminal records. For example, over 60% of employers would “probably not” or “definitely not” consider a job applicant for employment once they become aware that the individual has a criminal record.<sup>5</sup> According to “employment testing” studies, workers of color with a criminal record are even less likely to be interviewed for a job when compared with similarly situated whites.<sup>6</sup> The National Institute of Justice reported that having a criminal record reduced the prospect of employment by two-thirds for African Americans. The same studies also showed that Hispanic and Latino Americans suffered similar penalties for a criminal record.<sup>7</sup> Racial injustice persists, and SB37 is

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<sup>3</sup> J.J.Prescott and Sonia Starr, “The Power of a Clean Slate,” Regulation, Summer 2020 available at: <https://www.cato.org/regulation/summer-2020/power-clean-slate> (In recent years, however, many states have shortened waiting periods in recognition of the constructive role that record clearance plays in facilitating reentry and rehabilitation, reasoning that individuals “need the most assistance immediately after release from prison or termination of sentence.”)

<sup>4</sup> LaToshia Butler and Ebonyque Taylor, “A Second Chance: The Impact of Unsuccessful Reentry and the Need for Reintegration Resources in Communities,” Dispatch, Vol. 15, Issue 4 (April 2022) available at [https://cops.usdoj.gov/html/dispatch/04-2022/reintegration\\_resources.html](https://cops.usdoj.gov/html/dispatch/04-2022/reintegration_resources.html)

<sup>5</sup> Harry Holzer, Steven Raphael, Michael Stoll, “Perceived Criminality, Criminal Background Checks and the Racial Hiring Practices of Employers,” (April 2005), at page 3.

<sup>6</sup> Devah Pager, “The Mark of a Criminal Record” 108 AmJ.Soc. 937 (2003)

<sup>7</sup> Amy L. Solomon, “In Search of a Job: Criminal Records as Barriers to Employment,” June 14, 2012, [nij.ojp.gov: https://nij.ojp.gov/topics/articles/search-job-criminal-records-barriers-employment](https://nij.ojp.gov/topics/articles/search-job-criminal-records-barriers-employment)

one effective step lawmakers can take to address these disparities. The ability to expunge these convictions is a significant step toward equity, but a decade of delayed justice does little to relieve the burden on Black and brown communities. SB37 moves Maryland closer to realizing systemic change.

**The reduction of expungement waiting periods will have a positive impact on citizens experiencing homelessness.**

The number of Americans caught in the revolving door between homelessness and the criminal system is in the tens of thousands.<sup>8</sup> Roughly 48,000 people exit jail/prison into homelessness each year.<sup>9</sup> Formerly incarcerated people are almost ten times more likely to be homeless, and experiencing unsheltered homelessness increases people's interactions with the criminal system. Despite guidance from HUD that criminal record screening can violate the Fair Housing Act<sup>10</sup> and recent HUD research finding "criminal history is not a good predictor of housing success," landlords routinely reject tenant applicants with a criminal record regardless of its content, age, or direct relationship to housing.<sup>11</sup> Such practices exclude far more people than necessary to preserve public safety and result in the denial of housing to those with minimal criminal records, including records of minor convictions. Criminal records both cause homelessness and prevent individuals from ending their homelessness. Reducing waiting periods for expungement will increase access to the critical permanent housing resources and employment opportunities needed to end a person's experience of homelessness. The faster criminal records can be expunged; the faster individuals can regain stability and productivity in all areas of life.

**HPRP strongly urges the Committee to issue a favorable report on SB37.** Please contact Kirsten Gettys Downs ([kgettysdowns@hprplaw.org](mailto:kgettysdowns@hprplaw.org)) with questions or for additional information.

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<sup>8</sup> U.S. Interagency Council on Homelessness, Reduce Criminal Justice Involvement, August 15, 2018, available at <https://www.usich.gov/solutions/criminal-justice>.

<sup>9</sup> Id.

<sup>10</sup> U.S. Department of Housing and Urban Development, Implementation of the Office of General Counsel's Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions, June 10, 2022, available at <https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>.

<sup>11</sup> HUD Office of Policy Development and Research, Tenant Screening with Criminal Background Checks: Predictions and Perceptions are not Causality, May 17, 2022, available at <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-051722.html>.

**SB037 - REDEEM Act of 2023.docx.pdf**

Uploaded by: Lindsay Keipper

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of district 46 and **I am testifying in support of Senate Bill 37.**



A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland. We want people who have committed crimes to “straighten their lives out,” yet we seriously impair their ability to do so in an effort to keep convictions public information. The main purpose of this is so that if they commit another crime, their record reflects that history; but by making sure every potential employer, landlord, educational institution, and random stranger who is interested can see those prior convictions, we make it more likely that the person will fall back into criminal activity as a way of getting by when other avenues are closed to them.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110 states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>1</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101 lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

HB 97 would lower the waiting period for non-domestically-related misdemeanors to three years past completion of the sentence, and five years for expungeable felonies. It does not change what crimes are eligible; it only ensures that people who want to move past the mistakes and bad decisions that got them to criminal court are able to do so.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Lindsay Keipper  
2425 Fleet St., Baltimore  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

**SB037 - REDEEM Act 2023 - FAV - ems.pdf**

Uploaded by: Liz Simon-Higgs

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of District 46, Baltimore City and a member of Showing Up for Racial Justice, and **I am testifying in support of Senate Bill 37.**

Senate Bill 37 reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.



**The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing – all of which are necessary to survive in Maryland. A criminal record can also block occupational licensing and other portals to being a contributing member of society.**

**For how long must someone be relegated to second- or third-class citizenship – or worse, to the underground economy?**

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110 states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are FAR longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families! According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>1</sup>, forty-two (42) other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101 lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is ready to look for a job or apply for housing. It helps to break one link in the chain of poverty and disenfranchisement.

For these reasons, I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Liz Simon-Higgs  
308 E Randall Street, Baltimore, MD 21230

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<sup>1</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

**Testimony - 2023 - HB97\_SB 37.pdf**

Uploaded by: Mary Denise Davis

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: HB 0097 and SB 0037 - Criminal Procedure - Expungement of Records Waiting Periods  
(REDEEM ACT of 2023)**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: January 25, 2023**

The Office of the Public Defender supports HB 97 and SB 37. The Office has counseled and advised thousands of members of communities throughout Maryland over the years through our individual representation to our participation in community events. We have filed, argued, advocated, and reformed the expungement law through court proceedings.

The Office has supported change to the entire expungement statute over the years. We are constantly working for our clients to move them forward in their goals of being a full time member of their communities and not to be burdened with the stigma of a criminal record when that record is long past. A criminal record is not just what is on a person's RAP sheet but it must also be considered what is available on Maryland Judiciary Case Search and the information that has been obtained and disseminated by private databases. These private databases are under no regulations that the information they can disclose is current or accurate.

For some clients the past remains in the past, but for many clients it does not. It continues with every job application or job advancement; with every housing application and with every educational application. The time frame to file and be granted an expungement can take years and sometimes decades. Community providers and our Office have learned that the current waiting periods have no meaningful rationale as to why they need to be so long. For many, the potential job, new housing, educational opportunity has long passed before the expungement can even be filed! **These bills will shorten the waiting period for convictions to time frames that will provide meaningful relief for so many Maryland residents.**

The Maryland General Assembly has taken huge steps forward in providing assistance to thousands of Maryland citizens through expanding the eligibility of dispositions and the

automatic expungement of favorable dispositions. Thank you; for you may not realize how many lives you have impacted for the better. This Session, HB 97 and SB 37 will close the additional loopholes that were not addressed in the previous legislation.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 97 and SB 37.**

**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Authored by: Mary Denise Davis, Chief Attorney of the Pretrial Unit, Baltimore City  
marydenise.davis@maryland.gov, 410-878-8150.**

**M Badeker SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 8. **I am testifying in support of Senate Bill 37.**



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.  
Sincerely,

Melissa Badeker

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>



3020 Linwood Avenue, Parkville MD 21234  
443-977-7596  
Showing Up for Racial Justice Baltimore

# **NCADD-MD - 2023 SB 37 FAV - Expungement Waiting Pe**

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee**

**February 2, 2023**

**Senate Bill 37**

**Criminal Procedure - Expungement of Records - Waiting Periods**

**REDEEM Act of 2023**

**Support**

NCADD-Maryland strongly supports Senate Bill 37. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the unintended collateral damage caused by our drug policies. When people who struggle with substance use disorders get treatment and start the recovery process, criminal records are often huge barriers to success. Obtaining employment and housing is difficult, and sometimes impossible. Without a place to live or a reliable income, some people are much more likely to re-offend and/or return to alcohol and drug use.

Senate Bill 37 will have a significant impact on increasing access to employment and housing services. Currently, a person has to wait 10 to 15 years after they have completed their sentence – including parole or probation – before they can apply for expungement. This creates an unnecessary barrier for people who are trying to get their lives in order.

These kinds of policy changes are a necessary component to significantly improving our communities. When people have served their time, they should have the opportunities and supports needed to ensure they are able maintain productive lives and livelihoods with their families. Removing some of the barriers to success will also help people with substance use disorders maintain their recovery.

**We urge your support of Senate Bill 37.**

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

# **SUPPORT SB 37 - REDEEM expungement.pdf**

Uploaded by: Philip Caroom

Position: FAV

## SUPPORT SB 37 – 2023 “REDEEM Act”- expungement waiting periods



TO: Chair Will Smith and Senate Judic.Proceedings Committee

FROM: Phil Caroom, MAJR Executive Committee

DATE: February 2, 2023

Maryland Alliance for Justice Reform (MAJR-[www.ma4jr.org](http://www.ma4jr.org)) strongly supports SB 37 to assist returning citizens seeking honest employment. Currently, state law sets waiting periods of 10 to 15 years for many ex-offenders – and this excessive delay creates obstacles to their successful recovery. SB 37 would reduce the waiting periods to 5 years for more serious offenses and 3 years for less serious ones, as supported by current scientific knowledge.

The problem with Maryland law as pointed out by science Initially, legislators should apply evidence-based principles to our State’s correctional policies, such as expungement. Here are some important principles:

1. Active substance abuse (both alcohol and drugs) is “strongly connected” the offenses of approximately 85% of offenders. See, for example, <https://nida.nih.gov/publications/drugfacts/criminal-justice>

2. However, when an offender cooperates with substance abuse treatment and becomes abstinent for two years, the percentage who commit new offenses becomes much lower. See, for example,

[https://www.naadac.org/assets/2416/whitewl2012\\_recoveryremission\\_from\\_substance\\_abuse\\_disorders.pdf](https://www.naadac.org/assets/2416/whitewl2012_recoveryremission_from_substance_abuse_disorders.pdf)

With five or six years’ abstinence, relapse is resisted by 80%.

3. Is there a method for the State to recognize and reward returning citizens who have accomplished such rehabilitation and who no longer pose much risk to public safety? Yes! It is called “Parole and Probation.” With monitoring by state parole and probation agents, an offender successfully may complete their supervision periods—generally, including substance abuse treatment— and their cases will be closed.

**With SB 37, the waiting period for expungement – indicating a) that a returning citizen has successful completed parole & probation and b) that the individual has a much lower risk to reoffend– would be adjusted and reduced to match the current science**, as discussed above!

4. Expungement, importantly, would create more opportunities for better employment of returning citizens. Both federal and state studies clearly show that ex-offenders who are employed are much less likely to commit new offenses than those who are unemployed. A 2017 Greater Baltimore Committee report summarizes this research, stating: *the single largest determinant of re-arrest and re-conviction is whether or not a person is able to find a job upon release from prison. The probability of re-conviction for someone who is employed within two months of release and earning \$10 or more per hour is only 8 percent, one-third of the probability of an unemployed ex-offender.* Without employment, the ex-offender is approximately twice as likely to return to prison, costing taxpayers over \$40,000 per year. Substance abuse treatment and employment assistance programs are much less costly.

In addition to the cost of incarceration vs. the benefits of employment, Maryland also should consider the impact on possible victims and on children and communities of the ex-offenders. According to a 2015 Huffington Post report, studies indicate that “*Children of felons are seven times more likely to be incarcerated themselves. They are more likely (23 percent vs. 4 percent) to be expelled or suspended from school than other children.*”

**For all these reasons, SB 37—for earlier expungement to assist returning citizens’ employment prospects– should be understood as an important measure to reduce taxpayer costs, as well as to promote family stability, public safety and crime-prevention.** Maryland Alliance for Justice Reform strongly supports passage of SB 37.

*PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.*

# **Redeem Act - SB37.pdf**

Uploaded by: Psalms Rojas

Position: FAV



**TESTIMONY IN SUPPORT OF SB37**  
**Criminal Procedure – Expungement of Records – Modifications**  
**(The Redeem Act)**

February 1, 2023

Senator William Smith  
2 East Miller  
Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**Testimony of Marian House in Support of SB973**

Dear Chairman Smith, Vice-Chair Waldstreicher,  
and members of the Judiciary Committee,

Marian House is a holistic, healing community for women and their children who are in need of housing and support services. Marian House provides comprehensive support services to assist women with experiences of trauma, including poverty, substance abuse, and incarceration. **I write to urge you to support Senate Bill 37 - Criminal Procedure – Expungement of Records - Modifications**

Over forty years ago, Marian House was opened to provide reentry supports for women leaving incarceration as Sisters and laywomen recognized that lack of support contributed to recidivism rates. Today, we have also expanded to serve women with histories of trauma including homelessness, incarceration, neglect, substance abuse and mental health needs. Since our opening, we have assisted women who have been victims of crime in reinventing and rebuilding themselves through services such as: counseling, substance abuse treatment, job training and providing both long and short-term housing. All the women we have served have overcome obstacles on their journeys to become contributing members of society in the Baltimore area.

Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

The REDEEM Act simply shortens the waiting periods *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision with the express intent of removing



# MARIAN HOUSE

Women Moving from Dependence to Independence

barriers to employment. Reducing these waiting periods will grant access to **Record Expungement Designed to Enhance the Employability** for the 1.5 million Marylanders (REDEEM) who are shut out of the workforce due to a criminal record. The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be the reason returning citizens are locked out of employment over a decade *after* they have served their time.

In Financial Year 22, Marian House served twenty-one women who had lived resided in jail, prison, or a juvenile detention facility. Through these women, we have seen firsthand that they struggle to build confidence and independence as they have faced many barriers to employment and housing due to their former criminal records.

By supporting SB37, the 1.5 million Marylanders, including those we serve at Marian House, will be able to expunge their records sooner and have access to the housing and employment they desperately need.

On behalf of the women we serve at Marian House, I respectfully urge you to take the call to action in **SUPPORT of SB37.**

Thank you for your support,

A handwritten signature in black ink that reads "Katie Allston". The signature is fluid and cursive, with a long horizontal line extending to the right.

Katie Allston, LCSW-C  
President and C.E.O.



**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Rebecca Shillenn

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of **District 45. I am testifying in support of Senate Bill 37.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
**Rebecca Shillenn**  
**5401 Elsrode Avenue Baltimore 21214**  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>



# **SB 37 - Criminal Procedure - Expungement of Recor**

Uploaded by: Robin McKinney

Position: FAV



**SB 37 - Criminal Procedure - Expungement of Records - Waiting Periods (REDEEM Act of 2023)**

**Senate Judicial Proceedings Committee**

**February 2<sup>nd</sup>, 2023**

**SUPPORT**

Chairman Smith, Vice-Chair, and members of the committee thank you for the opportunity to support Senate Bill 37. This bill will shorten the waiting periods for expungement under certain circumstances so returning citizens can establish a strong connection to the workforce and reduce recidivism.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate-income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

Maryland has drastically longer waiting periods for expungement than most other states. Maryland Code Ann., Criminal Procedure §10–110 states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

The REDEEM Act simply shortens the waiting periods after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision with the express intent of removing barriers to employment. Reducing these waiting periods will grant access to Record Expungement Designed to Enhance the Employability for the 1.5 million Marylanders (REDEEM) who are shut out of the workforce due to a criminal record. Job security is one of the biggest barriers that contributes to recidivism for formerly incarcerated individuals. Having low job security limits access to stable housing, healthcare, and basic necessities.

The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be the reason returning citizens are locked out of employment over a decade after they have served their time.

***We appreciate your consideration of Senate Bill 37 and encourage a favorable report.***

*Creating Assets, Savings and Hope*

**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Sarah Johnson

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,



This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 41 in Roland Park. **I am testifying in support of Senate Bill 37.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Sarah Johnson  
1 Merryman Court, Baltimore MD 21210  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>





**2023-SB0037 REDEEM Act-FAV.pdf**

Uploaded by: Seth Grimes

Position: FAV



**SB0037 – SUPPORT**  
**Takoma Park Mobilization**

**Senate Bill 0037 – SUPPORT**  
**Criminal Procedure – Expungement of Records – Waiting Periods (REDEEM Act)**  
Senate Judicial Proceedings Committee — February 1, 2023

Takoma Park Mobilization is a grassroots advocacy organization based in Takoma Park and Silver Spring, MD. We are active in environmental, justice, economic, and electoral matters. **We are in SUPPORT of SB0037 (REDEEM Act)** to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers.

Maryland has much longer waiting periods for expungement than most other states. Current Maryland Code states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, *the waiting periods are far longer than the actual sentence*, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more.

The REDEEM Act simply shortens the waiting periods after the completion of their entire sentence, parole or probation, drug treatment, and any mandatory supervision with the express intent of removing barriers to employment. Reducing these waiting periods will grant access to Record Expungement Designed to Enhance the Employability (REDEEM) for the 1.5 million Marylanders who are shut out of the workforce due to a criminal record.

The provisions of The REDEEM Act align with what most other states are doing regardless of their political affiliation. Everyone must work if they expect to support themselves and their families. Maryland law shouldn't be the reason returning citizens are locked out of employment over a decade *after* they have served their time.

Removing obstacles to providing for one's self and one's family is a critical piece of building an equitable society. Legislators can make residents lives easier or more difficult—we urge you to end policies that create undue burdens.

**For these reasons, we urge a favorable report on The REDEEM Act (SB0037).**

Thank you.

Submitted by: Seth Grimes, [seth.grimes@gmail.com](mailto:seth.grimes@gmail.com)

**SB037 - REDEEM Act of 2023.pdf**

Uploaded by: Tamara Todd

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 10. **I am testifying in support of Senate Bill 37.**



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state with a criminal record. It reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.

A criminal record can easily be both the cause and consequence of poverty. The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing and occupational licensing – all of which are necessary to advance in Maryland.

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110<sup>1</sup> states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families. According to last year's report from Collateral Consequences Resource Center (CCRC)<sup>2</sup>, 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101<sup>3</sup> lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is looking for a job or applying for housing. It helps to break one link in the cycle of poverty so that progress is more accessible for those seeking education, a job, or an occupational license.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,  
Tamara Todd  
221 Northway Rd, Reisterstown, MD, 21136  
Showing Up for Racial Justice Baltimore

<sup>1</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-110>

<sup>2</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcr&section=14-101>



# **Testimony SB37 - Expungement Waiting Periods.pdf**

Uploaded by: Doyle Niemann

Position: FWA

**AISHA N. BRAVEBOY**  
STATE'S ATTORNEY



**JASON B. ABBOTT**  
PRINCIPAL DEPUTY STATE'S ATTORNEY

**State's Attorney for Prince George's County**  
14735 Main Street, Suite M3403  
Upper Marlboro, Maryland 20772  
301-952-3500

February 1, 2023

## Testimony Urging an Amendment

### **SB37 – Expungement of Records – Waiting Period**

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State's Attorney Aisha N. Braveboy and the Office of the State's Attorney for Prince George's County tentatively support **SB37 – Expungement of Records – Waiting Period**, but only with two suggested amendments.

This bill would reduce the waiting period before which an individual could request expungement of a conviction for certain misdemeanors from 10 years to 3 years and for felony theft from 15 years to 5.

We understand the lingering effect that criminal convictions can have on an individual's life, and for this reason we have been sympathetic to efforts to allow an individual who has been found guilty and served their sentence, including probation, to have their conviction expunged - especially when the offense is a misdemeanor.

However, we cannot support the change that would allow a quicker expungement for a conviction for felony theft proposed on lines 8-11 of page 4 of the proposed bill.

The theft statute, found in the Criminal Law article 7-104 and related sections, has three felony levels: (1) theft with a value of at least \$1,500 to less than \$15,000; (2) theft with a value of at least \$15,000 but less than \$100,000; and (3) theft with a value over \$100,000.

While technically "non-violent offenses," theft frequently has extremely serious and often life-changing impacts on victims, which can be either individuals or businesses – especially at the higher levels. We do not believe it is in the public interest to allow these offenses to essentially be removed from public examination and review after only five years have elapsed. If that were to happen, potential employers and community members who might be tempted to trust someone who has previously betrayed trust by stealing would have no way to check on the record of these individuals.

This is not an unlikely event. Over the years, we have seen many examples of repeat behavior on the part of individuals who have been convicted of theft. If anything, recent changes in the law that have significantly reduced the penalty for theft offenses, with a resulting decrease in suggested "guidelines," and the tendency of sentencing judges to treat non-violent offenses like theft as less serious and less deserving of longer sentences have made this more likely.

Should someone who stole the equity out of dozens of homeowners through organized foreclosure fraud at a cost of hundreds of thousands of dollars in lost equity for the victims, and who pled guilty to felony theft, be allowed to have the conviction removed from public records and review?

Should the trusted comptroller of a business who embezzled hundreds of thousands of dollars from the business, or a bank employee who manipulated account records of multiple depositors to the profit of tens of thousands, or the finance manager for a car dealership who manipulated sales documents and financing records for dozens of customers at different dealerships to the profit of tens of thousand dollars, all have their convictions erased so easily?

Theft - especially the modern financial and “white collar” varieties that include embezzlement and misappropriation funds – are at heart fundamental breaches of trust. They should not be so quickly erased.

To fix this, we suggest that the bill be amended to remove the provision that would reduce the waiting period for felony violations of Criminal Law Article 7-104.

We also suggest that efforts to expunge records not be allowed unless any orders of restitution have been paid.

For the foregoing reasons, **we urge amendment of SB37.**

For more information, contact: Doyle Niemann, Assistant State’s Attorney and former Chief of the Economic Crimes Unit, at [dlniemann@co.pg.md.us](mailto:dlniemann@co.pg.md.us) or 240-244-7178.



**MPP SB 37 FWA.pdf**

Uploaded by: Olivia Naugle

Position: FWA



**February 2, 2023**

**SB 37**

**Testimony from Olivia Naugle, senior policy analyst, MPP, favorable with amendments**

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee:

My name is Olivia Naugle, and I am the senior policy analyst for the Marijuana Policy Project (MPP), the largest cannabis policy reform organization in the United States. MPP has been working to improve cannabis policy for 27 years.

The Marijuana Policy Project strongly supports legalizing and regulating cannabis for adults 21 and older and doing so in a way that repairs the damage inflicted by criminalization. This includes removing the life-altering stigma of a criminal conviction for cannabis.

Maryland had the highest percent of voters ever cast their votes to legalize cannabis — over 67%. It should also have the strongest law when it comes to reparative justice, release, and expungement.

MPP would like to offer the follow amendments to the REDEEM Act (SB 37) and urge a favorable report.

The REDEEM Act would reduce the wait to petition for expungement from 15 to 5 years for cannabis sales and most other felonies. It would also leave the current wait time for PWID unchanged — three years after one’s entire sentence is completed. Having a criminal record for a few years can derail lives by making it very difficult to get housing and employment.

We recommend a state-initiated process for both expungement *and re-sentencing* for all pre-legalization cannabis convictions, with no wait times. Currently, resentencing is only available for possession offenses. We believe Marylanders should not be incarcerated, burdened by probation and fines, or be stigmatized for life for PWID or sales of a product that is now legal.

There should be a presumption in favor of re-sentencing those with pre-legalization cannabis convictions to any already-completed sentence. Individuals should also be able to petition for resentencing and expungement while they wait for the state-initiated process.

Another option would be to allow individuals to *petition* for resentencing and expungement for pre-legalization PWID, sales, and other cannabis offenses with no wait. This is an inferior approach because those who have the least resources are also the least likely to be able to avail themselves of petition-based expungement. We’ve included sample language for both approaches.

Thank you for your time and attention to this important issue. If you have any questions, please feel free to reach out.

Sincerely,  
Olivia Naugle  
Senior Policy Analyst  
[Onaugle@mpp.org](mailto:Onaugle@mpp.org)  
202-905-2037

**Suggested Language To Add to the REDEEM Act:  
Automatic Expungement and Re-Sentencing for Cannabis Offenses**

**MD Code, Criminal Procedure, § 10-110**

...

(c)(1) Except as **OTHERWISE** provided in [paragraphs (2), (3), and (4) of] this subsection, a petition for expungement under this section may not be filed earlier than [10]3 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

...

[(4)] (5) A petition for expungement of a conviction of possession with intent to distribute cannabis under § 5-602 of the Criminal Law Article may [~~not~~] be filed **at any time** [~~earlier than 3 years~~] after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

**(6) A petition for expungement for distribution of cannabis under § 5-602 of the Criminal Law Article for alleged conduct occurring prior to July 1, 2023 may be filed at any time after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.**

**(7) Expungements of cannabis arrests, convictions, and civil adjudications pursuant to this section shall be granted notwithstanding the existence of outstanding court-imposed or court-related fees, fines, costs, assessments, or charges.**

**MD Code, Criminal Procedure, § 10-111, revise as follows:**

**(a)** The Maryland Judiciary Case Search may not in any way refer to the existence of a criminal case in which:

- (1) possession of cannabis under § 5-601 of the Criminal Law Article is the only charge in the case; and
- (2) the charge was disposed of before July 1, 2023.

**(b) The Maryland Judiciary Case Search may not in any way refer to the existence of a criminal case in which:**

**(1) possession of cannabis under § 5-601 of the Criminal Law Article, distributing cannabis under § 5-602 of Criminal Law Article, and/or possession with intent to**

**distribute cannabis under § 5-602 of Criminal Law Article are the only charges in the case;**

**(2) the person has satisfied the sentence or sentences imposed, including parole, probation, or mandatory supervision; and**

**(3) the charges were filed of before July 1, 2023.**

**MD Code, Criminal Procedure, § 10-112, revise as follows:**

(a) In this section, “expunge” means to remove all references to a specified criminal case from the Central Repository.

(b) On or before July 1, 2024, the Department of Public Safety and Correctional Services shall expunge all cases in which:

(1) possession of cannabis under § 5-601 of the Criminal Law Article is the only charge in the case; and

(2) the charge was issued before July 1, 2023.

**(c) On or before January 1, 2025, the Department of Public Safety and Correctional Services shall expunge all cases in which:**

**(1) possession of cannabis under § 5-601 of the Criminal Law Article, distributing cannabis under § 5-602 of Criminal Law Article, and/or possession with intent to distribute cannabis under § 5-602 of Criminal Law Article are the only charges in the case;**

**(2) the person has satisfied the sentence or sentences imposed, including parole, probation, or mandatory supervision; and**

**(3) the charges were filed of before July 1, 2023.**

**NEW SECTION.** Article – Criminal Procedure 10–105.4.

(a) As used in this section, “cannabis-related offense” means any of the following:

(1) any offense involving cannabis or paraphernalia intended for cannabis; and

(2) any other offense that would not have been an offense were it not for the illegality of cannabis.

(b) No later than 90 days after the effective date of this act, the Department of Public Safety and Correctional Services shall conduct a search to determine all individuals serving a period of incarceration or supervision for a cannabis-related offense and notify the court in which each person was convicted.

(c) Any person who was convicted of cannabis-related offense that occurred prior to July 1, 2023 who has not completed the sentence may, at any time, petition the court in which the person was convicted for re-sentencing.

(d) The court in which the person was convicted shall notify the State’s Attorney of the underlying offense that it is considering resentencing the individual. The State’s Attorney may object within 14 days of receiving notice and may request a hearing. If the State’s Attorney does

not object within 14 days, the court shall re-sentence the person to the portion of the sentence the individual has already completed.

(e) If the State's Attorney timely objects, the court shall hold a hearing.

(f) There shall be a presumption that re-sentencing the individual to the sentence served would be in the interests of justice due to the legalization of cannabis for adults and the unequal enforcement of cannabis laws.

(g) The court shall grant the petition and re-sentence the individual to time served, or any sentence they have already completed, unless the State's Attorney has proven that:

(1) The offense is not eligible for re-sentencing under this section because it was not a cannabis-related offense that occurred prior to July 1, 2023;

(2) Re-sentencing would not be in the interests of justice; or

(3) Re-sentencing would be in the interests of justice, but that the appropriate sentence is something other than the portion of the sentence the individual has already completed.

(h) The court may find that re-sentencing is in the interests of justice, but that a complete reduction in the sentence is not in the interests of justice. In those instances, the court shall re-sentence the individual to the lowest sentence that is in the interests of justice, in light of legalization of cannabis and disparities in arrests and sentencing.

(i) If the person is not serving a concurrent or consecutive sentence for another crime, a person resentenced to time, or any other sentence served, shall be released from incarceration, supervision, or parole.

(j) A court may not increase any aspect of a sentence in response to a re-sentencing re-consideration filed pursuant this section.

(k) No fee shall be charged for filing a petition under this section.

(l) The Office of the Public Defender shall provide representation with no charge to any person who files a petition pursuant to this section.

(m) The Office of the Public Defender shall provide representation with no charge to any person who the State's Attorney objects to re-sentencing pursuant to this section.

(n) An individual is not required to provide indigence to receive representation pursuant to this section.

**Alternative Language To Add to the REDEEM Act:  
Petition-Based Expungement and Re-Sentencing for Cannabis Offenses**

**MD Code, Criminal Procedure, § 10-110**

(c)(1) Except as **OTHERWISE** provided in [paragraphs (2), (3), and (4) of] this subsection, a petition for expungement under this section may not be filed earlier than [10]3 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

...

[[4]] (5) A petition for expungement of a conviction of possession with intent to distribute cannabis under § 5-602 of the Criminal Law Article may [~~not~~] be filed **at any time** [~~earlier than 3 years~~] after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

**(6) A petition for expungement for distribution of cannabis under § 5-602 of the Criminal Law Article for alleged conduct occurring prior to July 1, 2023 may be filed at any time after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.**

**(7) Expungements of cannabis arrests, convictions, and civil adjudications pursuant to this section shall be granted notwithstanding the existence of outstanding court-imposed or court-related fees, fines, costs, assessments, or charges.**

**NEW SECTION.** Article – Criminal Procedure 10–105.4.

(a) As used in this section, “cannabis-related offense” means any of the following:

- (1) any offense involving cannabis or paraphernalia intended for cannabis; and
- (2) any other offense that would not have been an offense were it not for the illegality of cannabis.

(b) Any person who was convicted of cannabis-related offense that occurred prior to July 1, 2023 who has not completed the sentence may, at any time, petition the court in which the person was convicted for re-sentencing.

(c) The court in which the person was convicted shall notify the State’s Attorney of the underlying offense that it is considering resentencing the individual. The State’s Attorney may object within 14 days of receiving notice and may request a hearing. If the State’s Attorney does not object within 14 days, the court shall re-sentence the person to the portion of the sentence the individual has already completed.

(d) If the State’s Attorney timely objects, the court shall hold a hearing.

(e) There shall be a presumption that re-sentencing the individual to the sentence served would be in the interests of justice due to the legalization of cannabis for adults and the unequal enforcement of cannabis laws.

(f) The court shall grant the petition and re-sentence the individual to time served, or any sentence they have already completed, unless the State's Attorney has proven that:

(1) The offense is not eligible for re-sentencing under this section because it was not a cannabis-related offense that occurred prior to July 1, 2023;

(2) Re-sentencing would not be in the interests of justice; or

(3) Re-sentencing would be in the interests of justice, but that the appropriate sentence is something other than the portion of the sentence the individual has already completed.

(g) The court may find that re-sentencing is in the interests of justice, but that a complete reduction in the sentence is not in the interests of justice. In those instances, the court shall re-sentence the individual to the lowest sentence that is in the interests of justice, in light of legalization of cannabis and disparities in arrests and sentencing.

(h) If the person is not serving a concurrent or consecutive sentence for another crime, a person resentenced to time, or any other sentence served, shall be released from incarceration, supervision, or parole.

(i) A court may not increase any aspect of a sentence in response to a re-sentencing re-consideration filed pursuant this section.

(j) No fee shall be charged for filing a petition under this section.

(k) The Office of the Public Defender shall provide representation with no charge to any person who files a petition pursuant to this section.

(l) An individual is not required to provide indigence to receive representation pursuant to this section.

# **SB 37 Expungement of Records - Waiting Period.pdf**

Uploaded by: John Cox

Position: UNF



**Bill Number: SB 37**  
**Maryland States Attorneys Association**  
**Opposed**

**WRITTEN TESTIMONY OF THE MARYLAND STATES ATTORNEYS ASSOCIATION**  
**IN OPPOSITION TO SENATE BILL 37**  
**CRIMINAL PROCEDURE - EXPUNGEMENT OF RECORDS – WAITING PERIODS**

The Maryland States Attorneys Association is opposed to Senate Bill 37, Criminal Procedure-Expungement of Records- Waiting Periods and asks for an unfavorable report.

In 2016, the Maryland Legislature embarked on a mission and project which became the Justice Reinvestment Act. Included within this extensive package aimed at addressing the criminal justice system, as it existed, was a major change and expansion of expungement availability for those intent on first paying their debt to society but then intent on making a future for themselves without the constraint of a criminal record. In doing so, however, the Legislature was cognizant of and created statutes which still required some accountability and protection of society. This Bill will take us beyond consideration for some accountability and provide little ability to protect society from those who choose to repeatedly commit offenses.

Senate Bill 37 would significantly alter the well-considered time frames for expungement crafted by this Legislature less than seven years ago. Currently, within the lengthy list of misdemeanors in Criminal Procedure Section 10-110 from which guilty findings can be expunged, the time limitation is ten years. This Legislature determined that this was an appropriate time period in which an individual is able to demonstrate an ability to show their desire to be and remain law abiding. It is important to remember, in many or most circumstances, if an individual had committed one of the listed offenses and had no prior record, they had a strong possibility of receiving a Probation Before Judgement (not a conviction) and would have already been able to expunge that under CP Section 10-105 in three years. If they had not received a Probation Before Judgement for a first offense, it would seem quite likely that the offense was deemed by the Judge to be so serious that it didn't merit such a disposition. Ten years was a well-considered time period for what was judged to be quite serious or a repeat offense.

To use Theft as an example, the public and the retail sector and employers in Maryland ought to be able to have access to information that a person has taken the property of another or even stolen from their employer. Judges and prosecutors deserve to know that just three years ago the person before them as a defendant or testifying in a trial committed a theft.

This bill would allow a person to remove all record of a Second Degree Assault within five years. A person could commit such a serious assault or have such a serious

prior record that a Judge gives them five or ten years in jail. Five years after that, all record of that incident can be erased and not available to a Judge.

Under Senate Bill 37, a person who steals hundreds of thousands of dollars (Felony Theft) or is a drug dealer or a burglar can get their conviction expunged five years after serving their sentence.

This bill would defeat the trust the public should have in a criminal justice system which should hold a person accountable for their acts for at least an appreciable period of time. We urge an unfavorable report.

# **MCPA-MSA\_SB 37 Expungement of Records - Waiting Pe**

Uploaded by: Natasha Mehu

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

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

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** February 2, 2023

**RE:** **SB 37 - Criminal Procedure – Expungement of Records – Waiting Periods (REDEEM Act of 2023)**

**POSITION:** **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 37**. This bill would reduce the time period an individual who has been convicted of certain crimes must wait before being able to file a petition for expungement of official court and law enforcement records. This prevents law enforcement from being able to appropriately report critical criminal background information for employment, security, repeat offender, and licensing purposes as mandated by State and Federal laws.

Current provisions in Md. Code, Criminal Procedure Article, §10-110, authorize a person convicted of certain crimes to file an expungement petition 10 years after the completion of their sentence for certain misdemeanors and 15 years after the completion of their sentence for certain felonies. Under HB 97, the 10-year expungement petition waiting period would be reduced to 3 years; and the 15-year waiting period would be reduced to 5 years.

The accelerated expungement waiting period would apply to individuals convicted of a wide variety of crimes. These include but are not limited to operating as an unlicensed real estate broker; Peace Order violations; wiretapping; failure to surrender while on bail; 2nd-degree assault; filing fraudulent liens; malicious burning of another's personal property; motor vehicle theft; threats against public officials; sextortion; credit card fraud; bribery (athletic contests); false statement or report of a crime; cemetery property destruction; domestic violence Protective Order violations; interfering with or impersonating fire or rescue personnel; willful failure to file tax returns; criminal contempt; battery; hindering law enforcement; and felony theft.

The MPCA and MSA are particularly concerned about the impacts an accelerated expungement waiting period would have for violations of peace orders and protective orders given the particularly sensitive nature of handling these crimes. As the Committee deliberates this issue, care must be taken to ensure that the waiting period is not reduced so much as to undermine important background and records checks that protect victims and the public.

Criminal background checks are mandated by law for a number of employment positions including public safety workers, teachers, childcare providers, health care workers, and many others. Criminal records checks are required for the licensing of firearms purchases, hazardous materials drivers, real estate brokers, liquor licenses, and others. Accurate criminal history records are needed for repeat offender sentencing provisions where criminal punishment is enhanced for subsequent violations.

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Because the greatly reduced expungement waiting period in the bill would undermine essential criminal background, record, and history functions, the MCPA and MSA **OPPOSE SB 37** and request an **UNFAVORABLE** committee report.