



**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

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