



## MARYLAND LEGISLATIVE LATINO CAUCUS

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TO: Delegate Luke Clippinger, Chair  
Delegate David Moon, Vice Chair  
Judiciary Committee Members  
FROM: Maryland Legislative Latino Caucus  
DATE: February 2, 2023  
RE: HB0097 The Redeem Act, Criminal Procedure –

Expungement of Records – Waiting Periods

### **The MLLC supports HB0097 The Redeem Act, Criminal Procedure – Expungement of Records – Waiting Periods, 2023**

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of HB0097.

In a state of just over 6 million, 1.5 million Marylanders have a criminal record. That record often unfairly prevents the formerly incarcerated from finding a place to live, a place to work, and a place to learn. Across America, one in 10 Latino people born in 2001 is incarcerated in comparison to one in 29 white people. This disparity does not exclude Maryland, which leads the nation in incarcerating young Black<sup>1</sup> and Latino men. A report from the Department of Justice showed Latinx incarceration at 4% of the total prison population in Maryland in 2020.<sup>2</sup> Research on labor market disadvantages of formerly incarcerated minorities found that rates of employment for previously incarcerated people were nearly 50 percent lower for Hispanics than whites, and that employment was largely in a secondary labor market with low-wage jobs.<sup>3</sup> Easier pathways to expungement are necessary to building up communities of color. Out of the 44 states that authorize misdemeanor expungement, more than 40% have waiting periods of 3 years or less, and the overwhelming majority have waiting periods of 5 years or less. 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.

HB0097 will reduce the waiting period required for record expungement for those who have served their time, and will decrease expungement waiting periods for people who have had their charges dropped or been found not guilty in a court of law (records that still appear on background checks). The bill only applies to already-eligible offenses, which consist of non-violent misdemeanor and felony offenses. It alters the expungement statute to reduce the

<sup>1</sup> [Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland. \(2019, November 6\). Justice Policy Institute.](#)

<sup>2</sup> [Carson, E. A. \(2020\). Prisoners in 2020 – Statistical Tables. U.S. Department of Justice.](#)

<sup>3</sup> [Western, B., & Sirois, C. \(2019\). Racialized Re-entry: Labor Market Inequality After Incarceration. \*Social Forces\*, 97\(4\), 1517–1542.](#)

waiting period for eligible misdemeanors from 10 to 3 years, contact misdemeanors from 15 to 5 years, and eligible non-violent felonies from 15 to 5 years. Marylanders who have served their time deserve an opportunity to reintegrate and contribute to society as employees. Without that opportunity, the odds of recidivism and re-incarceration increase drastically.

For these reasons, the Maryland Legislative Latino Caucus respectfully requests a favorable report on HB0097.