

Dear Members of the House Judiciary 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 Maryland District 44B. **I am testifying in support of House Bill 97.**



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 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)¹, 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 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 House Bill 97.**

Thank you for your time, service, and consideration.

Sincerely,

Ericka McDonald
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Showing Up for Racial Justice Baltimore

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