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The Honorable Luke Clippinger
House Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

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**Testimony of FreeState Justice in Support of The Redeem Act
HB0097: Criminal Procedure – Expungement of Records – Modifications**

To the Honorable Luke Clippinger, Vice Chair David Moon, and the esteemed committee:

FreeState Justice is Maryland’s civil rights advocacy organization for lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) Marylanders. We also provide pro bono legal services each year to hundreds of LGBTQIA+ Marylanders who could not otherwise afford an attorney and we advocate more broadly on behalf of the LGBTQIA+ community.

We write today supporting House Bill 97, the REDEEM Act. This commonsense measure will reduce the stigmatizing impacts of incarceration and correctional supervision and will enhance employment opportunities for affected job seekers throughout the State of Maryland. Currently, 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; 15 years for a common-law battery or 2nd-degree assault conviction; and 15 years for a non-violent felony. The 10- or 15-year waiting period begins after the individual has completed their entire sentence, parole, probation, drug treatment, and/or any other mandatory supervision. In most instances, the expungement waiting period is much longer than the actual sentence the individual received as punishment for the crime. Individuals released from incarceration or correctional supervision thus, face additional, severe barriers to employment, housing, public assistance, education, and professional licenses, forcing a lasting stigma of a criminal record long after they complete their sentences. For LGBTQIA+ Marylanders, these obstacles to re-entry exacerbate existing disparities impacting members of our community, such as increased levels of poverty, discrimination, street harassment, hate and bias crimes, human trafficking, elder abuse, and healthcare access.

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

Maryland has drastically longer waiting periods for expungement than most other states. During these waiting periods, individuals are effectively shut out of the workforce. Many clients that reach out to FreeState for assistance with criminal expungements find themselves in untenable situations because of the statutory wait time. . When they find employment opportunities that pay a living wage, typically the employers will decline to even interview an applicant with a criminal history. Many clients feel forced into continuing illegal revenue streams to provide for themselves and their families. Clients in abusive relationships cannot leave because they are unable to get housing in their own name either due to lack of employment income or inability to apply for public assistance. Even opportunities for self-employment are limited because of lack of access to loans and small business programs. By keeping individuals saddled with these stigmatizing records, the State is effectively punishing them twice by keeping them from becoming productive members of society.

The REDEEM Act shortens the waiting periods for expungements after an individual is released from supervision or custody and specifically removes employment barriers, which effectively gives returning citizens a second chance at a productive economic life. Finding work is a crucial step for the reentry and reintegration of people with a criminal history into broader society. This bill not only benefits everyone by removing unnecessary punitive barriers to economic mobility, but also benefits the state and communities through increased tax revenues, decreased crime, decreased recidivism, decreased labor shortages, reduced expenses for state benefit programs, and decreased poverty rates. Excessively long expungement waiting periods are counterproductive and impose severe barriers to an individual trying to rebuild their life. These citizens want meaningful employment to provide for their families and gainfully participate in Maryland's economy. Overrepresented populations in the criminal justice system, including the LGBTQIA+ community, face overcriminalization of their persons and activities while coercive plea-bargaining results in an increased rate of conviction and unemployment or underemployment that follows. s. These communities stand to benefit greatly from this bill, and reducing these waiting periods will open doors to all 1.5 million Marylanders who are shut out of the workforce due to a criminal record.

For these reasons, FreeState Justice urges a favorable report on House Bill 97.

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