

TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:

Criminal Procedure – HB0523 Expungement of Records – Good Cause

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

FROM: **Glenn Rosenberg**

Glenn Rosenberg: Cares Act for Maryland; Vote Favorable for Better, Easier and faster Expungements

Good Cause Expungement: Puts this decision back in the hands of the Courts to decide; too reduce incarceration's impact and enhance employment opportunities for lower-income workers and job seekers throughout the state. I believe that having a record is preventing many people from being hired and forcing many people to commit crimes. I am pro Second Amendment, but have not been able to own a firearm in 40 years. It is not that I could not get a firearm like everyone seems to be doing, It's just that it is not worth going to jail to me. My wife has a Top Security Clearance with a Federal Intelligence Agency. She can't own a firearm because of me. She asked me years ago to teach her how to use one but I told her I can't and why. My convictions are non-violent or sexual related. For many years I collected guns, and went shooting a couple times a year but never hunted. I had a permit for about 10 years to carry a gun in Maryland and I also collected class three machine guns. I never had any problems with owning firearms or had any trouble because of firearms. I am hoping the Supreme Court alters the Second Amendment restrictions on owning a firearm and let be determined by the Dangerousness Rule and not group all people with convictions together. It has gotten to be highly prejudicial like saying all Jews or Blacks, or any other race or group of people.

Unlike most people with a conviction: I worked for myself prior to and after dealing with the Courts. I have not worked much in the past 25 years but am financially fine. I have attached another page that cites cases that support these Bills, and gives details of why Maryland needs to change for the better and vote favorably

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. [Over 60 percent of formerly incarcerated persons remain unemployed one year after 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. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, **most charges (~93%) are not eligible for expungement**, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other

charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. I cited *Stoddard v. State*, 911 A. 2d 1245 - Md: Court of Appeals 2006 in my attachment. It shows that in many circumstances that even with the Unit Rule, it is possible to do a partial expungement. I know since I am probably the first person who did one since this case went to the COA in 2006. When the UNIT Rule was brought up before, they said it would be too hard and costly to separate all the charges. When I did mine, the Judge took care of what needed to be done.. Being the same as *Stoddard*, I see no reason Not to repeal the UNIT RULE. The COA stated in *STODDARD*, Just because the STATE crams 20 charges into one Indictment, does not make it a UNIT. Lastly, suppose an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later. I have I believe three convictions on my record and two are on the expungement list but the subsequent conviction rule prevents me from expunging those two since they are before the other two.

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. Glenn Rosenberg fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report.

I would like to add: When they expanded expungements in about 2017, if you asked any attorney that once your conviction was expunged, would you get your constitutional rights restored and they all said Yes. Come to find out, this was all a lie so to speak. I learned a year or so ago that the F. B. I will not recognize expungements in Maryland like in other States because they retain the records. The Expungement definition is written very ambiguous. One part says to remove from public view and put in a locked location that can only be viewed with a court order. It also says to be destroyed by obliteration. That is not even close in meaning.