



THE SENATE OF MARYLAND
Annapolis, Maryland 21401

Testimony of Senator Jill P. Carter
In Favor of SB1030 - Criminal Procedure - Expungement of Records -
Good Cause
Before the Judicial Proceedings Committee
On March 5th 2024

Mr. Chairman, Vice Chair, and Members of the Committee:

Senate Bill 1030 allows for the courts to grant expungements for certain convictions upon showing good cause, as well as specifying the criteria under which an expungement for good cause would be allowed.

A criminal record can be a considerable impediment to future goals for those formerly incarcerated. A criminal record can significantly erode one's ability to secure employment, housing, or to pursue higher education. According to the Job Opportunities Task Force (JOTF), 25% of our state population has a criminal record. In addition, approximately 15,000 Marylanders are released from prisons each year, and struggle to find a job or to secure housing, as up to 60% of formerly incarcerated people struggle to find a job within a year of their release. According to the Prison Policy Initiative, 68% of Americans released from prison are rearrested within three years, and what's the number one indicator of recidivism? Poverty.

Demographically, over 70% of the Maryland prison population is black, and, according to the Prison Policy Initiative, black people are

imprisoned at over five times greater the rate of white people, this means that black people are being disproportionately affected by this in their quest for employment, housing, or higher education, something that is exacerbated by the fact that the unemployment rate among formerly incarcerated individuals is 27%, which can almost certainly be traced back to them having a criminal record. More than 70% of employers perform background checks on all their applicants and are free to deny employment to many formerly incarcerated people on the basis of record, potentially cutting job opportunities by half, leaving many who have completely repaid their debts to society without the ability to seek employment. In regards to recidivism, a study by the Manhattan Institute revealed that employment within the first six months of release significantly lowers the likelihood of rearrest for nonviolent offenders.

As it currently stands, Maryland's expungement laws make it far more difficult for Marylanders to access the expungement services needed to reenter society. Maryland has much longer waiting periods for expungement than most other states, ranking 42nd in waiting period length for misdemeanors and 35th for nonviolent felonies in the country. Under Maryland Criminal Procedure Ann. Cod, §10-110A, an individual must wait ten years before becoming eligible to expunge most nonviolent misdemeanor convictions, and fifteen years for common-law battery, second degree assault, and non-violent felonies, with eligibility not beginning until after their sentence is completed. States like Texas, Alabama, Mississippi, and Utah all have shorter waiting period times than Maryland. In many cases, these waiting periods for expungement are much longer than the actual cases themselves.

Maryland's expungement laws make it incredibly difficult to get an expungement, and without expungement, reintegration into society is incredibly difficult. SB1030 allows for the expungement process to begin quickly upon an incarcerated individual's showing of good cause and rehabilitation, while still allowing for the courts to retain their autonomy in actually issuing the expungements.

**As such, I urge this committee to issue a favorable report on SB1030.
Thank you for your time.**

Respectfully,

Jill P. Carter