



TESTIMONY IN SUPPORT OF SENATE BILL 454

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 8, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center supports Senate Bill 454.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting time in half for many offenses, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society.

Expanding expungement eligibility will mitigate collateral consequences associated with having a criminal record. The impact of an arrest or conviction record on individuals, families

and communities is staggering, including the extensive list of collateral consequences that can follow a justice-involved individual for years, well after a case or period of incarceration concludes. These impacts span numerous areas central to a person's ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.

More than [85% of employers perform background checks on all their job applicants](#) and deny employment to many returning citizens based on a criminal record. Thus, the ability to expunge a criminal record is vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

For these reasons, we urge a favorable report.