



**MARYLAND**  
**LEGAL AID**

*Advancing*  
**Human Rights and**  
**Justice for All**

## **Senate Bill 1030**

### **Criminal Procedure – Expungement of Records – Good Cause In the Judicial Proceedings Committee, Hearing on March 5, 2024 Position: FAVORABLE WITH AMENDMENTS**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB 1030 in response to a request from Senator Jill P. Carter.*

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) submits this testimony at the request of Senator Jill and urges the Committee to give it a favorable report, *with amendments*.

MLA is a non-profit law firm that provides free civil legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including criminal record expungements, which remove barriers to obtaining public benefits, housing, a driver's license, and employment, and help combat the harms of mass incarceration, systemic racism, and the failed War on Drugs.

Senate Bill 1030 simply incorporates the "Good Cause" provision into Criminal Procedure Code § 10-110, as it was originally intended when this body passed the Justice Reinvestment Act in 2016. By creating § 10-110.1, this bill permits the court to grant expungement petitions on a showing of good cause after the completion of a sentence or probation, in addition to providing the factors the court shall consider in making that determination.

Good Cause is a legal determination that has been used throughout our country since its inception, and it is often not defined statutorily. Senate Bill 1030 codifies the requirements needed to grant a Good Cause petition under Criminal Procedure Code § 10-110: (1) the nature of the crime, (2) the person's character and history, (3) the risk to the public, (4) success at rehabilitation, and (5) the impact on the person's ability to access employment, education, housing, public benefits, and other opportunities for economic stability.

MLA clients often come to us with a single nonviolent conviction that has been on their record for a decade or more. These charges have often resulted in periods of incarceration and/or lengthy periods of probation or parole. According to the United States Department of Justice, in 2022, almost 2 million Marylanders had criminal records, leaving almost 30% of your constituents with criminal records that are preventing them from participating in and contributing to society. Yes, that is nearly one-third of the

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entire state population. 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. Prohibiting Good Cause expungements punishes individuals further into the cycles of poverty. Excessively long expungement waiting periods are counterproductive and place severe barriers to meaningful employment for individuals who pose no risk and want nothing more than to provide for their loved ones and participate in Maryland's economy.

*MLA would amend the bill to remove subsection (D), which removes the right to appeal the denial of a Good Cause petition.*

Subsection (D) unnecessarily and harshly removes the individual's right to appeal if the petition is denied. There is no reason to deny these people a right that is afforded to virtually all other litigants in the state—particularly on a newly codified standard where all parties will benefit from occasional appellate court clarifications. Worse yet, subsection (D) only applies to the individual, not to the State, creating an imbalanced and unfair procedure favoring a particular party. This is antithetical to Maryland law and fundamental notions of evenhanded justice.

Including MLA's proposed amendment, Senate Bill 1030 will benefit communities by allowing people to move on from their pasts and seek stable lives—precisely what this body envisioned when they established expungement as a public good. When an individual successfully completes their sentence, their debt to society is paid. Expungement can have an immense effect on a person's life, possibly being the difference between gaining or losing stable housing. Employment and housing means reduced recidivism, stable families, and community empowerment. In this way, not only do those receiving an expungement benefit, but society benefits as well. If an applicant has met the exacting standards set forth in the good cause provision, there is no reason to make them wait. Indeed, given the proven, quantifiable statewide benefits of expungement, it would be harmful *not* to pass this bill.

Thank you for providing MLA the opportunity to comment on this important piece of legislation. Maryland Legal Aid strongly supports Senate Bill 1030 and asks that this committee give it a favorable report with amendments.

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