



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

February 1, 2024

Senator William C. Smith, Jr.
Chairman, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: Testimony Supporting Senate Bill 11 - Criminal Procedure – Partial Expungement

Dear Chairman Smith and Members of the Committee:

Thank you for the opportunity to provide testimony in support of this important bill, which will finally eliminate the so-called “unit rule,” which prevents too many deserving expungement candidates from receiving justice. Maryland Legal Aid (MLA) submits this testimony at the request of Senator Jill P. Carter and urges passage of the bill.

MLA is a non-profit law firm that provides free civil legal services to tens of thousands of 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 child custody, housing, a driver’s license, and employment.

Senate Bill 11 will directly benefit your constituents and thousands of Maryland families—particularly those in communities subject to over-policing and other manifestations of systemic oppression. It will dramatically expand access to justice and employment opportunities for low-income Marylanders, producing a return on investment that benefits all of us.

Senate Bill 11 permits expungement of one or more charges that are otherwise eligible for expungement, despite being a part of a “unit.” The “unit rule” significantly limits expungement for otherwise eligible cases or charges that did not result in a conviction. As a result, individuals are permanently saddled with lengthy records that are difficult to decipher and easy to misunderstand. MLA clients have lost jobs or been overlooked during the hiring process because an employer saw charges for which the client was never convicted. Similarly, landlords often reject potential tenants for related reasons.

Additionally, the practice of tacking-on, stacking, or overcharging individuals with a multitude of criminal offenses continues to be studied, and is shown to be commonly implemented throughout the country. The Final Report on Racial Justice in Prosecution (“the Report”), published by the Baltimore City State’s Attorney’s Office and researchers at the University of Maryland and Harvard University in 2022, explained that criminal cases almost always have a multitude of charges and/or other stand-alone cases that never result in prosecution or in a conviction.

The Report asserts a pattern of overcharging because most defendants face multiple charges but are only convicted on a single charge, if any at all. The Report urged prosecutors to “care to ensure that initial charges do not involve bringing more and greater chargers” than one “can prove at trial – solely to give an advantage in plea bargaining.” 93% of all charges or cases were reduced (according to this report). In multiple charge cases, virtually all defendants receive a reduction in the number of charges.

Nancy La Vigne, Ph.D., the Director of the National Institute of Justice stated, “successful reentry is measured over time and the ability of a person to expunge their criminal record, where appropriate, can be critical to their ability to move forward.” Without the ability to expunge charges that never resulted in a conviction, MLA clients face countless collateral consequences and punitive results, continuing the lifetime sentence of the inability to seek work or housing.

The ‘unit rule’ is counterintuitive, contradictory, and not rehabilitative. Criminal records are a cause and consequence of poverty. When an individual successfully completes their sentence, their debt to society is paid. And yet Marylanders carry their case records as a scarlet letter, impacting the most critical aspects of their day-to-day lives, and those of their family members. Employment and housing reduces recidivism, stabilizes families, and empowers communities. Resulting tax revenues do the same.

Senate Bill 11 disrupts the many cycles of systemic oppression, allowing your constituents the opportunity to better themselves, their families, and their communities. It provides a second chance and increases opportunities while protecting public safety.

Thank you for providing MLA the opportunity to comment on this vital piece of legislation. Maryland Legal Aid strongly supports Senate Bill 11.

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Community Lawyering Initiative
Maryland Legal Aid