



TESTIMONY IN SUPPORT OF SENATE BILL 1030:

Criminal Procedure – Expungement of Records – Good Cause

TO: Hon. William C. Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant

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The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports Senate Bill 1030 as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

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. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City, where CFUF operates.

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. Second, the “Unit Rule,” under [Criminal Procedure §10–107](#), prevents the expungement of a charge if the person is not entitled to the expungement of every other charge within the unit, preventing charges that would be eligible for expungement from actually being deleted. Third is the subsequent conviction statute, which bars eligible charges from expungement if a new charge, no matter how minor, is picked up during the waiting period of the initial charge. Fourth, the [Court of Special Appeals](#) ruled that any probation violation means a conviction is indefinitely ineligible for expungement, regardless of the nature of the violation or the length of time passed. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely.

Senate Bill 1030 offers a clear, rational solution to the expungement access problem for millions of returning citizens, expungement lawyers, and judicial officials. It adds §10-110.1 to the Criminal Procedure Article to grant district and circuit courts judicial discretion in determining



the expungement of convictions. 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. The criteria for a Good Cause determination in the bill is based on the nature of the crime, rehabilitation of the person, the risk to public safety, and the impact of the conviction on the person’s successful re-entry. Note that the bill only allows a good cause petition **once every five years** per charge, and there is **no** opportunity to appeal to prevent the court from being overwhelmed with new cases.

We trust the courts to levy charges against individuals that will drastically alter their lives for decades. If we trust the court’s discretion with life-changing convictions, it stands to reason that we can trust it when granting expungements. For these reasons, we respectfully urge a favorable report of **Senate Bill 1030**.