

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE IN SUPPORT
OF SB 454: CRIMINAL PROCEDURE - EXPUNGEMENT - COMPLETION OF
SENTENCE
FEBRUARY 9, 2024

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Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 454.

My name is George Townsend and I am a workforce development attorney at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 980 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In the most recent fiscal year, MVLS volunteers and staff lawyers provided legal services directly impacting 7,927 people across the State. I am speaking today to urge the Judiciary Proceedings Committee to issue a favorable report on Senate Bill 454.

SB0454 proposes to close a critical gap in the state's criminal record expungement eligibility exposed by a 2022 Court of Appeals case by clarifying eligibility for expungement of cases after the completion of probation. It corrects the language in the Criminal Procedure title of the Maryland Code identified by the Appellate Court of Maryland as disqualifying the expungement eligibility of a case that would otherwise be eligible for expungement when the petitioner did not satisfy probation. Expungement is an indispensable step toward ameliorating the harmful collateral consequences of criminal legal system involvement. It allows a person who has made mistakes years in the past to start fresh so that they can move forward in life. MVLS clients frequently report being denied employment, rental housing, and other opportunities during the waiting period for expungement eligibility. These denials make it harder for individuals already experiencing difficult circumstances to achieve stability.

SB0454 makes a small, technical change to statutory language on the wait time for expungement eligibility, clarifying that it begins upon the "completion," rather than "satisfaction," of the sentence. This distinction would ensure that people whose cases are closed, with their sentences fully completed, and who have waited the number of years required by the expungement statute are no longer prevented from receiving an expungement because their probation was not marked by a probation officer as "satisfied."

This 2022 Appellate Court ruling has greatly impacted individuals who were initially sentenced to probation but were found to have violated the probation and been sentenced to some alternate penalty as a result. Based this decision, such individuals may have completed the subsequent sentence, but do not technically "satisfy" their initial sentence of probation. This creates situations where individuals who are on probation, receive a violation, and complete the additional sentence or period of probation resulting from the violation, are ineligible for the expungement

that they are otherwise qualified for.

Ms. Davis* is one of many MVLS clients impacted by this interpretation of the law. Ms. Davis, who worked with an MVLS attorney to expunge criminal records from the 1990s, had been unable to expunge a past conviction that is otherwise eligible for expungement due to past violations of probation while she was grappling with substance use. Her probation officer's closing of her case with an "unsatisfactory" designation – nearly 20 years ago, despite her completion of her sentence and probation - makes her currently unable to expunge a record under the law, impacting her ability to apply for and access needed senior housing programs in Maryland.

SB0454 clarifies that individuals like Ms. Davis will be able to petition for expungement of eligible convictions after they have completed their sentence and the appropriate time has passed, regardless of the notation entered when closing case. This change will ensure that Maryland's expungement process will be able to achieve its purpose of ameliorating the harm of a criminal record and allow individuals who were involved in the criminal legal system in the past to move forward without barriers to housing, employment, and education opportunities.

For all the reasons stated above, Maryland Volunteer Lawyers Service supports SB 454 and respectfully encourages a favorable report.

**MVLS client's name changed to protect privacy.*