



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

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

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for Senate Bill 454 - Criminal Procedure - Expungement - Completion of Sentence, which aims to reduce the impact of incarceration on African Americans by eliminating probation violations as a permanent roadblock to criminal record expungement. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment, housing, education, and licensing prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.33). 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, leaving African-American Marylanders disproportionately impacted by lack of access to education, housing, and employment due to a criminal record. [One out of three](#) Marylanders returning from incarceration return to Baltimore City, with Prince George's County as a close second. Combined, these two jurisdictions make up over half of the black population in Maryland (56%) - so when returning citizens are denied jobs, housing, and other necessities, these communities are hit hardest. For these reasons, The Black Caucus within the Maryland General Assembly has supported pathways to re-entry for public safety, family unity, opportunity, and access to generational wealth, primarily via criminal record expungements.

Last year, the Maryland General Assembly (MGA) passed the [REDEEM Act](#), which cut the criminal record expungement waiting periods in half, allowing millions of Marylanders access to expungements and employment, only to discover that thanks to a [2022 Court of Special Appeals ruling](#), any probation violation meant a conviction is *indefinitely* ineligible for expungement. This was due to a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) under Criminal Procedure under [§10-105](#) and [§10-110](#). Since a violation can range from allegedly committing another offense to simply missing an appointment due to a lack of reliable transportation, many returning citizens have one on their records, especially those in recovery for substance abuse.

The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days' incarceration, and had his probation closed “unsatisfactorily.” 12 years later, he was denied an expungement due to the violation even though he served multiple sentences and waited the required waiting period. We believe that, for charges that the MGA has authorized

as *eligible* for expungement, once a person has served their entire sentence and has waited through the 5-15-year waiting period, they should be eligible to have the charge expunged.

Senate Bill 454 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. 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 Black families can receive the expungements necessary to allow them to reacclimate into society properly. For these reasons, the Legislative Black Caucus of Maryland supports Senate Bill 454 and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland