



SB454: CRIMINAL PROCEDURE – EXPUNGEMENT – COMPLETION OF SENTENCE

HEARING BEFORE SENATE JUDICIARY COMMITTEE

2/9/2024

POSITION: SUPPORT

Connecting Individuals and Families who need Civil Legal Services with Volunteer Attorneys and Community

Shore Legal Access, Inc. (formerly Mid-Shore Pro Bono) supports SB454. This bill would significantly reduce barriers for people seeking criminal record expungement to be able to clear the record and move on with their lives to obtain jobs and housing. This measure would clarify the waiting period required for expungement of records, allowing people to have certainty about when their records will be eligible for expungement.

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Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLA helps over 3,000 people in our community access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for criminal record expungement, life planning, family law, landlord/tenant, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.

A violation of probation, no matter how small, currently prevents someone from getting their record expunged even if they have met all other conditions. This bill removes the requirement that probation be completed "satisfactory" to receive expungement. The requirement that probation be completed satisfactory is a major barrier to receiving an expungement and tends to negatively impact low-income and BIPOC Marylanders at a higher rate than others. Violations of probation can range from failing to pay restitution, failing to report to the probation agent, relapsing and failing a drug test, to committing a new crime. Probationers with limited financial means may not have the ability to pay back the restitution at the rate set by the court order or may lack access to transportation to get to the probation meeting with their probation agent. These technical violations of probation should not forever prohibit someone from receiving an expungement where they would otherwise be eligible.

EXECUTIVE DIRECTOR

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Prior to the legalization of cannabis in Maryland, the use of cannabis contributed to a significant number of violations of probation, whether due to a new marijuana possession charge or testing positive for marijuana during a drug test. Someone who received a violation of probation for the use of cannabis, which is now legal, cannot receive an expungement in that case. We know that the criminalization of cannabis has disproportionately and negatively impacted BIPOC. The failure to remove the "satisfactory" completion of probation as a requirement to receive an expungement continues to negatively impact BIPOC and continues to perpetrate injustice.

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One of our recent clients included an 18-year-old seeking to obtain expungement for a cannabis related conviction. The client had completed all the requirements of probation except was unable to pay the court costs and drug testing fee totaling over \$400. This bill would allow clients such as this one to be able to obtain expungement. For these reasons, Shore Legal Access supports SB454 and we urge the Committee's support for this bill. If you have any questions regarding our position on this bill, please contact Laura Chafey, Esq., at 410-690-8128 or lchafey@shorelegal.org.