

CAP MD Senate Written Testimony for Clean Slate SB

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Maryland General Assembly
Senate Judiciary Committee

Written Testimony in support of the Maryland Clean Slate Act of 2024, SB 602
An Act Concerning Automatic Expungement of Criminal Records

February 21, 2024

My name is Akua Amaning and I am the Director for Criminal Justice Reform at the Center for American Progress. It is my pleasure to submit written testimony in support of the Clean Slate Act of 2024, SB 602, which would open doors to opportunity for hundreds of thousands of Maryland residents currently held back by conviction records. I urge the legislature to pass this important measure.

Today, roughly one [million Marylanders](#) carry a conviction record. [No record is too old or too inconsequential](#) to serve as a barrier to employment, housing, education, public assistance, family reunification and the ability to build good credit. For too many justice-involved people, a record can leave them with lifelong restrictive barriers which preclude them from accessing resources needed to promote stable futures for themselves and their families.

Every constituent of Maryland should have a fair opportunity to earn a living, support their family and contribute to their community. While felony convictions carry perhaps the greatest stigma, any criminal record can present insurmountable hurdles to gainful employment. Nearly [9 in 10 employers](#) use background checks to make hiring decisions, which often can mean the difference between a job offer and a rejection. As a result, the unemployment rate among formerly incarcerated people is over [27 percent](#) – higher than the U.S. unemployment rate during the Great Depression.

Safe and stable housing can also be out of reach for individuals with criminal records, with an estimated [4 in 5 landlords](#) conducting background checks on prospective renters. Formerly incarcerated people are [10 times more likely](#) to experience homelessness than the general population.

These barriers to opportunity can have ripple effects for generations. According to analysis by the Center for American Progress, [nearly half of all American children](#) have at least one parent with a criminal record. When parents are shut out of the labor and housing markets, it can significantly undermine family stability and economic security. A child's long-term outcomes are closely tied to childhood circumstances, and thus the barriers associated with parental criminal records can prevent kids from realizing their full potential into adulthood.

People deserve a second chance and a real chance to overcome their mistakes. Record expungement is a powerful solution to breaking down barriers to opportunity for justice-involved individuals and their families. A [major study](#) from researchers at the University of Michigan found that within a year of expungement, people who were successfully able to clear their records saw their wages increase by more than 20 percent. Record expungement also benefits public safety. The same study also found evidence that record clearing can reduce recidivism rates: Michiganders who received expungements were less likely to commit a crime than the general population.

While petition-based record clearance measures exist under current Maryland law, these remedies often leave most eligible people behind. Many people are unaware that they are entitled to record-clearing. Others struggle to navigate the expensive and complicated process of filing a record-clearing petition in court, which for most requires hiring a lawyer and taking time off to appear in court, often racking up thousands of dollars in legal bills and court costs. Meanwhile, the courts must process each petition one by one, straining valuable judicial resources. Consequently, record-clearing is out of reach for all but the most well-resourced Americans. These same challenges are evidenced by [research from The Paper Prisons Initiative of Santa Clara University](#), which found that under Maryland's existing record clearance measures, only two percent of eligible people successfully have their conviction records cleared.

Maryland's Clean Slate legislation (SB 602) will implement a system which automatically seals eligible records through the use of technology and will ensure that everyone who qualifies for record-clearing gets the clean slate they've earned—regardless of whether they can afford a lawyer and expensive court fees and without navigating a complex court process.

Equitable measures such as Clean Slate legislation are needed now more than ever before—especially as Maryland focuses on economic recovery and growth in a post-pandemic era. Recovery efforts rooted in equity, which encourage and support workforce participation for as many people as possible, not only benefit those who are directly impacted, but ultimately help stimulate local businesses, communities, and the state's overall economy.

At the national level polling suggests that most Americans—across the political spectrum—agree. [Seventy percent](#) of Americans support clean slate policies—including 66 percent of Republicans and 75 percent of Democrats. And [states across the country](#) (as diverse as

Pennsylvania, Michigan, Delaware, Utah, Texas, and New York to name a few) have already taken steps to implement their own automatic record sealing/clearing measures.

On behalf of the Center for American Progress, I urge the Maryland Senate and Assembly to swiftly pass and sign SB 602 into law. With these measures, Maryland has the ability to uplift justice-impacted individuals and their families while building safer and healthier communities for generations to come.

Thank you for the opportunity to submit this written testimony for the record.

Akua Amaning

Director, Criminal Justice Reform

Center for American Progress

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Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 602

Clean Slate Act of 2024

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

DATE: February 21st, 2024

FROM: Christopher Dews, Policy Consultant

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 602 to automate the expungement process for eligible charges in Maryland.

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 returns to Baltimore City, where CFUF does its work. Our district contains one of the highest concentrations of returning citizens in the state, making criminal record expungements a critical access point for re-entry.

The Maryland General Assembly has passed a variety of expungement access reforms, including 2016's [Justice Reinvestment Act](#), which allowed many misdemeanors and a few felonies to be eligible for expungement, and 2023's [REDEEM Act](#), which cut the criminal record expungement waiting periods in half. These bills, in combination, were incredibly beneficial for our members, allowing millions to access employment, housing, licensing, and more. However, [MVLS data show that only 2% of people with convictions eligible for expungement pursued an expungement](#). We estimate this is due to backlogs within the courts or the individual simply not knowing they are eligible. Our partners at the Office of the Public Defender, Maryland Legal Aid, Maryland Volunteer Lawyers Service, Baltimore Action Legal Team, and others have done exceptional work hosting expungement clinics to assist our members, but the automated process, as listed in Senate Bill 602 would save a lot of time and energy for all parties involved.

If this bill were to pass, over 400,000 Maryland adults could have their records cleared overnight. It does not alter the manual petition process listed in Criminal Procedure §10-110 or §10-105 but layers on it an automated expungement process by creating a new section in §10-113 - which prevents confusion within the current system. Senate Bill 602 also addresses concerns with the Abhishek Case by incorporating the bill language from [SB0454](#), which will remove decades-old probation violations from hindering the



HELPING FATHERS AND FAMILIES WORK

expungement process. CFUF fully supports efforts to remove barriers to employment, education, housing, and more for Marylanders saddled with records. For these reasons, we respectfully urge a favorable report.

Testimony Supporting the Clean Slate Act.pdf

Uploaded by: Clinton Pettus

Position: FAV

**SUPPORTING SB 602/HB 658
(CLEAN SLATE ACT OF 2024)**



February 19, 2024

Quaker Voice of Maryland is submitting this testimony in favor of **SB602 – Clean Slate Act of 2024**

Dear Chair, Vice Chair, and Members of the Senate Judicial Proceedings Committee,
As members of the Religious Society of Friends (also called Quakers), we recognize that forgiveness is one of the most basic tenets of spirituality. The Clean Slate Act is a very tangible way to show compassion for people living with an arrest or criminal record by allowing them to have their slate wiped clean so they can become productive, crime-free citizens.

As you well know, people with arrest or criminal records are often "sentenced" to a life of poverty that is manifested through reduced opportunities for adequate housing, education, and employment. Most colleges and universities, landlords, and employers run background checks on prospective students, renters, and employees. Moreover, ordinary, tax-paying citizens are "sentenced" to a life of bearing the burden of helping to provide for people when they are denied opportunities for education, housing, or employment. The Clean Slate Act can potentially give people with an arrest or criminal record a chance to rebuild their lives and contribute to our society rather than being a strain on it.

As a son of sharecroppers, I am conscious of what my life could have been had I not had the opportunity to attend college, become a college professor, and later a college president. Let us not waste people's potential to become contributors to society because we were not willing to help them overcome the mistakes of the past. No one has gone so far that they can't be redeemed, restored, forgiven, and given a second chance under the right conditions.

Our research shows that a number of states, including Pennsylvania, New Jersey, Delaware, Virginia, and New York, have passed "Clean Slate" laws, and many more have active campaigns to do so across the country. We are grateful to Senators McKay, Muse, Sydnor, Smith, Kelly, Waldstreicher, West, and Carter for sponsoring Senate Bill 602 and hope that all who have the power and influence will ensure that Maryland is added to the list of states that seek to help break the certifiable cycle of poverty and give as many of our citizens as possible, estimated at more than 400,000, an opportunity to achieve their full potential and contribute meaningfully to society.

Sincerely,



Clinton Pettus, Ph.D.

Working Group Member, on behalf of Quaker Voice of Maryland

Personal electronic mail address: sixpettus@gmail.com

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SB602

Uploaded by: Daniel Okonkwo

Position: FAV

Statement for the Record
JPMorgan Chase *PolicyCenter*
Senate Judicial Proceedings Committee
Maryland General Assembly
February 21, 2024

Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee, thank you for the opportunity to provide a statement in support of Maryland Clean Slate record clearing, [SB 602/](#)[HB 658](#).

One in three Americans – roughly 80 million people – face barriers to employment due to an arrest or conviction record. JPMorgan Chase is committed to giving people across the country a [second chance](#). In 2022, JPMorgan Chase hired more than [4,600 people](#) with criminal records – about 10 percent of new hires in the US – whose history had no bearing on the requirements of the job they were seeking. To achieve this type of impact, we made changes in our own hiring and recruitment practices (e.g., ‘banned the box’), and we are actively encouraging other companies to do the same.

As a founding member of the [Second Chance Business Coalition](#), JPMorgan Chase is working with nearly 50 large companies across multiple industries that are committed to developing best practices and tools for employers to deploy second chance hiring and advancement strategies within their firms. Most of these companies are household names and have a presence in virtually every community across the country.

We believe business has a role to play in helping more people share in the benefits of economic growth. But to achieve systemic change, we need improved public policy, including common sense measures like Clean Slate automatic record clearing for eligible offenses.

In Maryland, it is estimated that more than 400,000 people in Maryland are eligible to have their records cleared, but very few pursue the complex, time consuming and costly process. This means that even after fulfilling their justice system obligations, people with criminal records often continue to be blocked from fully participating in the economy and their community. To provide relief in the communities we serve, JPMorgan Chase’s Legal Pro Bono team partners with community-based legal services nonprofit organizations and law firm partners to host expungement clinics with the aim of helping eligible individuals prepare the documents needed for the criminal record expungement or sealing process.

JPMorgan Chase has a presence in all 50 states, and we’re always looking to attract top talent and break down barriers to employment. For example, we recently launched a virtual call center in Baltimore, which allows our employees to work from home and removes some of the obstacles to in-person employment. These new team members are among the more than 500 employees in Maryland serving more than 1.6 million consumer and business customers—and growing – across the state.

JPMORGAN CHASE & CO.

By reducing barriers to employment for those with criminal records, Clean Slate legislation can play an important role in getting more talent into the labor market. States such as Pennsylvania, Utah, Michigan, Delaware, Connecticut, New Jersey, Virginia, Colorado, Louisiana, and most recently New York have passed Clean Slate measures to automatically clear or seal eligible criminal records and open access to career pathways. Pennsylvania has already cleared eligible records for about 1.2 million people and Utah has cleared roughly 500,000 eligible records.

When someone cannot get their foot in the door to compete for a job, it hurts businesses and communities by limiting access to economic opportunity. We urge the legislature to pass Clean Slate legislation to help bolster the state's economy by more fully tapping the talents of thousands of people who are currently unemployed or underemployed because of their past record.

We appreciate the Committee's consideration of Clean Slate legislation and urge passage by the General Assembly.

Contact:

Nan Gibson

JPMorgan Chase PolicyCenter

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JPMorgan Chase *PolicyCenter*
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Uploaded by: E. Flannery Gallagher

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 602

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 20, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

Senate Bill 602 will clarify certain eligibility criteria and automate clearing of expungement-eligible charges. Senate Bill 602 will ensure people are no longer defined by their criminal records, have the opportunity to contribute to their communities, and get a fair chance to work, seek an education, and achieve their full potential. The Center urges a favorable report on Senate Bill 602 for three reasons. First, Senate Bill 602 will afford actual expungement relief to the significant portion of the expungement-eligible population that does not currently obtain relief for a broad variety of reasons. Second, Senate Bill 602 will reduce the collateral consequences associated with having a criminal record. Third, Senate Bill 602 does not pose an unreasonable public safety risk and instead will promote public safety.

I. Automated record-clearing is necessary because of the documented low uptake rates for petition-based expungement processes.

The research shows that relying solely on petition-based expungement mechanisms results in an uptake gap whereby a large portion of people eligible for expungement do not receive relief. Low uptake rates prevent the broad public policy benefits of expungement from being fully realized. One national analysis concerning the expungement of conviction records found estimated uptake rates across states ranged from 0.2% to 11%.¹ That study found that there were 300,000 to 2 million people in each of the states examined with convictions that were eligible for expungement who did not receive those expungements.² Another study focused on Michigan concluded that only 6.5% of eligible individuals received expungements in that state within the first five years of being eligible.³ Such low uptake rates are particularly troubling considering given that the majority of people who receive expungements do so in the first five years after becoming eligible. Accordingly, the study in Michigan projected a *lifetime* expungement uptake

¹ Colleen Chien, *America's Paper Prisons: The Second Chance Gap*, 119 Mich. L. Rev. 519, 556-58 (2020).

² *Id.*

³ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2466 (2020).

rate of less than 12% of those who were not sentenced to a period of incarceration and an even lower lifetime expungement uptake rate for those who were sentenced to incarceration.⁴

Removing the administrative burden from those eligible for expungement will reduce the expungement uptake gap. Automating expungement through Senate Bill 602 can avoid the need for applicant awareness and wherewithal to determine eligibility and apply for relief, mitigating the daunting barriers associated with navigating the bureaucratic and judicial processes. At the same time, Senate Bill 602 will mitigate harms and promote public safety as discussed further below.

II. Expanding expungement through Senate Bill 602 will reduce collateral consequences associated with having a criminal record.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment, housing, and educational prospects for the estimated 25% of working-age Marylanders with a criminal record.⁵ Every year, approximately 4,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society.

The impact of an arrest or conviction record on individuals, families and communities is staggering, including the extensive list of collateral consequences that can follow a justice-involved individual for years, well after a case or period of incarceration concludes. These impacts span numerous areas central to a person's ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.⁶

Background checks are being used increasingly for non-criminal justice purposes.⁷ More than 92% of employers perform background checks for job applicants⁸ and deny employment to many returning citizens based on a criminal record. Unsurprisingly, expungement recipients exhibit much better employment outcomes.⁹ Thus, automating the expungement of criminal record is

⁴ *Id.* at 2493.

⁵ Bureau of Justice Statistics, U.S. Department of Justice, Survey of State Criminal History Information Systems, 2012, 26 https://drive.google.com/file/d/1hUGVpwIl6Z_GN4KOK6gV1eNkiyYbjbJI/view.

⁶ Chien, *supra* note 1, 554 (“Because a criminal record can substantially limit a person’s opportunity to obtain employment, housing, public benefits, and student loans; to qualify for certain professions; and to gain entrance into higher education, having a record has been called ‘a civil death.’”)

⁷ Becki Goggins, *New Blog Series Takes Closer Look at Findings of SEARCH/BJS Survey of State Criminal History Information Systems, 2016*, SEARCH (Mar. 29, 2018) (From 2006 to 2016, “the number of fingerprints processed for noncriminal justice purposes increased by 89.6% . . . while the number processed for criminal justice purposes actually decreased by 6.6%.”)

⁸ Society for Human Resource Management, *Conducting Background Investigations and Reference Checks*, [https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20SHRM%20found.cycle%20\(see%20chart%20below\)..](https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20SHRM%20found.cycle%20(see%20chart%20below)..)

⁹ Prescott & Starr, *supra* note 3, at 2528.

vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

III. The mitigation of collateral consequences does not pose a public safety risk and instead will likely result in public health and safety benefits.

Expanding actual relief for individuals who are already eligible for expungement does not pose a public safety risk. An empirical analysis of Michigan's expungement practices found that recipients of expungement posed a lower crime risk than the general population of Michigan as a whole, suggesting there is at least a strong correlation between expungement and lower recidivism.¹⁰ There is no empirical evidence that expungement undermines public safety.¹¹ Therefore, purported safety risks from Senate Bill 602's opponents are misplaced.

Beyond the absence of a public safety risk, Senate Bill 602 may affirmatively promote public safety and reduce crime. There is ample research that demonstrates the criminogenic effects associated with the collateral consequences having a criminal record.¹² It follows that alleviating the burden of these collateral consequences would reduce illegal behavior among expungement recipients.

By automating components of the expungement process, Senate Bill 602 addresses gaps and challenges in the current expungement landscape. The Center fully supports this important bill as part of a broader set of efforts to remove barriers to employment, education, housing, and more for Marylanders with criminal records who have paid their debt to society. For these reasons, we respectfully urge a favorable report on SB 602.

¹⁰ *Id.* at 2512–14.

¹¹ Sonja B. Starr, "Expungement Reform in Arizona: The Empirical Case for a Clean Slate," 52 *Arizona State Law Journal* 1059, 1076 (2020).

¹² J.J. Prescott & Sonja B. Starr, *The Power of a Clean Slate*, <https://www.cato.org/regulation/summer-2020/power-clean-slate>.

SB0602 - MBA - FAV - GR24.pdf

Uploaded by: Evan Richards

Position: FAV



**SB 602 - Criminal Procedure - Automated Expungement, Waiting Periods, and Adverse Actions
(Clean Slate Act of 2024)**

Committee: Senate Judicial Proceedings Committee

Date: February 21, 2024

Position: Favorable

The Maryland Bankers Association **SUPPORTS** SB 602. This legislation allows for the automatic expungement of clean slate eligible charges. If passed, this legislation will allow more Marylanders to enter the workforce without going through the burdensome and sometimes frightening expungement process.

Marylanders with a prior criminal history face significant barriers once they complete their sentence and return to their communities. One of these barriers is access to employment, where prior criminal history can disqualify Marylanders from certain types of jobs. Legislatures across the country have embraced the expungement process to allow those who have repaid their debt to society to again contribute to their families and communities. However, the process of filing a petition with the court of jurisdiction and potentially being forced to attend a hearing for expungement frightens many possible petitioners away.

Banks continue to hire Marylanders to help customers achieve their financial goals. Creating and implementing an automatic expungement process will increase the applicant pool and will allow Maryland businesses, including banks, to hire qualified employees who may otherwise be discouraged to apply for available employment opportunities.

Accordingly, MBA urges issuance of a **FAVORABLE** report on SB 602.

The Maryland Bankers Association (MBA) represents FDIC-insured community, regional, and national banks, employing more than 26,000 Marylanders and holding more than \$209 billion in deposits in over 1,200 branches across our State. The Maryland banking industry serves customers across the State and provides an array of financial services including residential mortgage lending, business banking, estates and trust services, consumer banking, and more.

SB 602_Clean Slate Act of 2024_FAV.pdf

Uploaded by: Hannah Allen

Position: FAV



LEGISLATIVE POSITION:

Favorable

Senate Bill 602 – Clean Slate Act of 2024

Judicial Proceedings Committee

Wednesday, February 21, 2024

Dear Chairman Smith and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

SB 602 would improve access to criminal record sealing, a common-sense measure that will grow our workforce and strengthen our businesses. This legislation would allow for the automatic expungement of certain charges after a certain amount of time after the completion of a sentence.

[A recent report from the U.S. Chamber of Commerce](#) confirms what we already knew to be true: Maryland's businesses are facing a hiring crisis. With only 33 available workers for every 100 open jobs, our labor market is ranked as one of the worst in the country. Employers urgently need new talent that is ready and able to work. By automatically clearing old criminal records for individuals who remain crime-free, SB 602 will give employers access to a diverse and underutilized workforce almost immediately.

Over 400,000 Marylanders are currently eligible to have their old criminal records fully cleared, but are held back by a process that is expensive, time-consuming, and difficult to navigate. SB 602 would alleviate those burdens, ending a restriction currently limiting our labor force. This new, expansive workforce would have tremendous benefits for our employers that go beyond the labor shortage, allowing our state's businesses to grow and succeed. Employers who hire justice-impacted workers [report](#) that their quality of work and contributions are on par with or better than other employees, and turnover rates are notably lower.

Additionally, the U.S. Chamber of Commerce [released a report](#) in 2021 that estimated that excluding formerly incarcerated job seekers from the work force has cost the United States at least \$78 billion in lost gross domestic product. The ability to hire and retain qualified, hard-working individuals will help sustain healthy and prosperous businesses throughout Maryland.

The Maryland Chamber believes in the importance of second chance employment, both for developing our state's workforce and for uplifting our communities. In recent years, through our Maryland Chamber Foundation, the Maryland Chamber of Commerce has been actively engaged in seeking ways to address the challenges faced by the ex-offender community as these individuals

prepare for and seek employment post-incarceration. We believe all Marylanders should be able to actively serve their communities.

For these reasons, the Maryland Chamber of Commerce respectfully requests a **Favorable Report** on **SB 602**.

MDCHAMBER.ORG

60 West Street, Suite 100, Annapolis 21401 | 410-269-0642



HB658-SB602 2-20-24 GBC.pdf

Uploaded by: Jennifer Vey

Position: FAV



Written Testimony to the Judicial Proceedings Committee

SB.602/HB.658 - Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)

Sponsors:

Senators McKay, Muse, Sydnor, Smith, Kelly, Waldstreicher, West, and Carter

February 21, 2024

Position: Support

Dear Members of the Judicial Proceedings Committee,

On behalf of the Greater Baltimore Committee (GBC), I write to you in support of SB.602/HB.658, Clean Slate Maryland. These bills are an essential step toward providing second chances for thousands of Marylanders, improving our economy, and strengthening communities across the Old Line State.

Since 1955, GBC has been the leading voice for the private sector in the Baltimore region, providing insightful economic and civic leadership to drive collective impact. As we work towards fostering economic equity in the region, we recognize the need to uplift communities across the state to build a stronger and more inclusive Maryland for all.

Clean Slate will do just that. Automatically clearing old criminal records is essential for Maryland's growing economy—especially amid ongoing labor shortages. Even decades-old criminal records can present barriers to finding meaningful employment, keeping hardworking and deserving Marylanders out of the labor market. With an estimated 410,000 individuals across the state currently eligible to have their records cleared, Clean Slate would dramatically expand the labor force and support businesses from Baltimore to Bethesda.

The impact on the economy can hardly be overstated. The United States loses more than \$80 billion in GDP each year due to the underemployment of people with criminal records. A study in Michigan found that automatic record clearing for those eligible increases wages by 22% within the first year, putting more money back into the pockets of consumers and creating a stronger economy. By clearing old criminal records, we can make Maryland more prosperous for years to come.

At GBC, we believe in working towards a more just and inclusive future for Baltimore. That means giving our neighbors the second chances they deserve. I commend the sponsors of these essential bills for their work to strengthen Maryland's economy and communities. I urge the Committee to pass this important legislation for the people of Maryland.

Sincerely,

A handwritten signature in black ink that reads "Jennifer S. Vey".

Jennifer S. Vey
Executive Vice President for Policy and Research
Greater Baltimore Committee

GREATER BALTIMORE COMMITTEE

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SB 602_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV



FEBRUARY 20, 2024

Automated Expungement Can Get Marylanders Back on Their Feet Quicker

Position Statement in Support of Senate Bill 602

Given before the Judicial Proceedings Committee

Marylanders should not be defined by their past and the records that follow them, preventing them from restarting their life. After completing a sentence, the charges on an individual's record have long-lasting impacts on their ability to attain good education, job employment opportunities, housing options, and being able to give back to their community.

In Maryland, these records can last for decades depending on the charges, leaving no room for true redemption and making it harder for formerly incarcerated people to contribute to society. Anyone who has paid their debt to society and demonstrates wanting to make a better life for themselves and their families should have the chance to do so. Because Black Marylanders are disproportionately represented in our prison system, the effect of legal involvement leaves many Black people outside the places and spaces for opportunity, precisely due to their record.

While last year the legislature passed Senate Bill 37, the REDEEM Act, which halves the wait time needed to qualify and apply for expungement for certain convictions, Senate Bill 602 creates a more equitable and efficient process by allowing for automated expungements of eligible charges, some of which were covered in the REDEEM Act. Automatic expungement eliminates the need for Marylanders to obtain legal assistance and petition the court to exercise their right to have their records expunged, and also reduces administrative costs.

The negative impacts of a criminal record cost the state in terms of aggregate annual earnings lost. According to a study by the The Paper Prisons Initiative, approximately 61% of those who live burdened with criminal convictions in Maryland would potentially receive relief under the Clean Slate Act immediately, with others besides those with ineligible charges, eventually becoming eligible with the passage of time. But only 2% of those with convictions currently eligible for relief under petition-based expungement have actually received the remedy. By their estimates, the aggregate earnings loss associated with the estimated 290,000 people with convictions who would be Clean Slate eligible, due to lost wage and earnings opportunities translate to a cumulative annual earnings loss of about \$1.5 billion.¹ This bill will not only help Marylanders who have served their time get back on their feet quicker, it will add thousands of people back into the labor market, which will benefit Maryland's workforce.

In addition, this bill would require the Department of Public Safety and Correctional Services to report on the progress and outcomes of the automated expungement process biannually, which would give detailed data into how to better optimize clean slate expungements.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Judicial Proceedings Committee make a favorable report on Senate Bill 602.

Equity Impact Analysis: Senate Bill 602

Bill summary

Senate Bill 602 would establish procedures for the automated expungement of certain clean slate eligible charges and require the Department of Public Safety and Correctional Services to submit a report semiannually detailing the progress and outcomes of the automated expungement process during the preceding 6 months.

Background

According to the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS), there were 73,000 orders for expungement in Maryland in 2019ⁱⁱ.

There is no demographic data available on the racial and ethnic composition of applicants. However, if trends for incarceration in the State were to mimic trends for expungement applications, there would be both a significant number and percentage of Black or African American individuals who would be eligible to seek expungement, and a certain amount would be eligible for automatic expungement.

Equity Implications

Data suggests that Black or African American individuals convicted of the crimes covered under the bill may benefit the most as evidenced by their general overrepresentation in the incarcerated population of the State.

- While Black people make up 30% of Maryland's population, they account for 70% of Maryland's incarcerated.
- A 2016 report conducted by GOCPYVS details the collateral consequences to having a criminal record. These adverse effects include reduced access to housing, public services, voting, holding public office, employment opportunities, and professional licensure. These difficulties in turn can increase recidivism and could perpetuate a larger cycle of involvement in the carceral system.

Racial disparities are significant in the Maryland population of people with a criminal record, with an estimated 7% of white Maryland residents, but 14% of Black Maryland residents having a conviction recordⁱⁱⁱ. *Impact*

Senate Bill 602 would **likely** improve racial and economic equity in Maryland.

ⁱ <https://www.paperprisons.org/states/pdfs/summaries/The%20Maryland%20Second%20Chance%20Expungement%20Gap%20Report%20Summary.pdf>

ⁱⁱ <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2023RS-SB0037-REIN.pdf>

ⁱⁱⁱ <https://www.paperprisons.org/states/pdfs/reports/The%20Maryland%20Second%20Chance%20Expungement%20Gap.pdf>

LC MD Testimony.pdf

Uploaded by: Laura Chavez

Position: FAV

Laura Chavez
Director of Research and Data
The Clean Slate Initiative

Senate Judicial Proceedings Committee

Wednesday, February 21, 2024

Testimony in Support of SB 602 Clean Slate Act of 2024

To Sen. William C. Smith, Jr. and Members of the Committee:

My name is Laura Chavez, and I am the Director of Research and Data at The Clean Slate Initiative - a national non-profit whose mission is to work alongside states to streamline the record-clearing process and ensure it happens automatically. I am writing on behalf of The Clean Slate Initiative to express our strong support for Senate Bill 602, which aims to address and rectify the impact of past records on individuals and communities.

As of 2019, around 1 million adults in Maryland, or 22% of the adult population, have some form of a record. Arrest and conviction records can present significant barriers to employment, housing, education, and social reintegration. Clean Slate legislation has proven to be an effective tool in addressing these challenges by allowing eligible individuals to have their records automatically sealed, giving them a fresh start.

In Maryland, only 2% of people with convictions eligible for clearance under the current petition-based system get relief. It would take 86 years to clear all the eligible convictions under the current system, which is costly and difficult for impacted individuals to navigate. Clean Slate will provide full record clearance to 410,000 adults, or 41% of those with records in the state.

Twelve states have enacted Clean Slate laws, including neighboring states Delaware, Virginia, and Pennsylvania, and the positive impact on individuals and communities has been substantial. The implementation of similar legislation in Maryland has the potential to significantly bolster public safety and stimulate economic growth.



Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions is \$1.5 billion of taxable income, and this estimate does not include income loss for those with non-conviction records.

In addition, Clean Slate can reduce racial disparities in Maryland. Black adults have higher conviction rates than white adults, and if all eligible conviction records were cleared as a result of Clean Slate, this disparity would shrink by one-third.

The Clean Slate Initiative applauds the proposed creation of a state-initiated process to expunge records of arrests and convictions. By implementing a process that operates at no cost to the record holder, Maryland can lead in the pursuit of fairness and justice.

The proposed timeline, starting from January 1, 2027, to begin implementation of the law is pragmatic and aligns with the implementation timelines of other states working toward and that have begun automatic record clearing. This timeline allows for the necessary adjustments in administrative processes and ensures a smooth transition to a more equitable system.

In summary, The Clean Slate Initiative urges the Judicial Proceedings Committee to support SB 602, recognizing the positive impact on the lives of individuals seeking redemption and reintegration into society.

Thank you for your time and consideration. I am available to answer any questions or provide additional information as needed.

Sincerely,

Laura Chavez

lchavez@cleanslateinitiative.org

Attachments:

- CSI Maryland Fact Sheet
- CSI Data Methodology Overview
- The Impact of Clean Slate in Maryland

CLEAN SLATE IN MARYLAND

WHAT ARE CLEAN SLATE POLICIES?

Clean Slate policies allow individuals to have certain arrest or conviction records automatically cleared. These policies offer people who have completed their sentences and remained crime-free the chance to move forward in their lives without the burden of a record.

Clean Slate policies involve automated or streamlined processes for identifying and clearing eligible records. The specific criteria and procedures may vary depending on the jurisdiction and the nature of the record.

Clean Slate policies primarily aim to tackle the enduring repercussions of a record, which often impede individuals from obtaining employment, finding suitable housing, accessing educational opportunities, and rebuilding their lives. **Through record clearance, people are offered a fresh start and face fewer barriers to opportunity due to their past.**

CLEAN SLATE MARYLAND COALITION MEMBERS

The coalition is growing in Maryland and we are excited to work with business leaders, faith leaders, directly impacted people, lawmakers, and Governor Moore to pass legislation.

This factsheet is prepared by:

CLEAN SLATE'S IMPACT IN MARYLAND

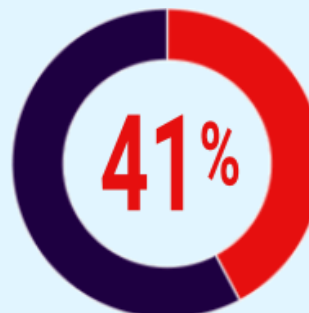
The Clean Slate Initiative analyzes legal system data at the state level, creating impact statements based on each state's proposed Clean Slate legislation. **Here are the Clean Slate impacts for Maryland:**

1 Million Adults in Maryland Have a Record



22% of MD's Total Adult Population has a Record

410,000 Adults with a Record in Maryland Could Have Their Record Fully Cleared



41% of Adults with a Record in MD Could be Eligible to Have Their Record Fully Cleared

CSI'S DATA METHODOLOGY

The Clean Slate Initiative (CSI) data dashboard methodology builds upon the approach used by [Shannon et al.](#) and the [Brennan Center for Justice](#). We apply conviction rates, recidivism rates, deportation rates, mortality/survival rates, and inter-state mobility rates to estimate how many unique people are impacted by a record (vs. the number of cases or arrests reported). See below for citations.

How We Calculated the Number of People with a Record by State*

**Sample data, not actual data, is represented below.*

Year	State	Population Group	Total Arrests Reported to FBI UCR Program for Likely Misdemeanor Offenses (Adjusted for Under-Reporting Agencies)	Conviction Rate (Measures for Justice, US Dept. of Labor Statistics)	Recidivism Rate (Measures for Justice, US Dept. of Labor Statistics)	Mortality Rate (CDC Data)	Inter-State Mobility (US Census Data)	Deportations (ICE/Syracuse University TRAC Data excluding People Previously Deployed)	Estimated Population with a Record
2017	California	Latino	200,000	70%	37%	1%	+3%	-30,000	59,937
2018	California	Latino	300,000	71%	30%	0%	+1%	-20,000	130,591
2019	California	Latino	400,000	72%	19%	0%	+2%	-10,000	227,946
Total									418,475

Where We Got Our Information



Bureau of Justice Statistics



	Felony Convictions	Misdemeanor Convictions	Non-Convictions
Type of Data Used	State prison releases, felony probation admissions, and prison/probation recidivism rates published by the federal government	Arrests reported by local and state law enforcement agencies to the federal government, applying misdemeanor conviction and recidivism rates published by Measures for Justice and the Bureau of Labor Statistics	Felony and misdemeanor conviction rates published by Measures for Justice and the National Center for State Courts
Agencies/Entities Data was Sourced From	U.S. Bureau of Justice Statistics	U.S. Federal Bureau of Investigation, U.S. Bureau of Labor Statistics, State Arrests and Criminal History Data, and Measures for Justice	Measures for Justice and National Center for State Courts
Datasets Used to Produce CSI Estimates	<p>BJS National Corrections Reporting Program 1991-2019</p> <p>BJS National Prisoner Statistics Program 1978-1990</p> <p>BJS Annual Survey of Probation 1985-2018</p>	<p>FBI Uniform Crime Reporting Program 1995-2019</p> <p>Measures for Justice State-Level Misdemeanor Conviction and Recidivism Rates</p> <p>National Misdemeanor Conviction and Recidivism Rates, and Total Cases/Convictions per Person Estimated from the National Longitudinal Survey of Youth 2019</p> <p>Official arrests/criminal history data from TX, FL, IL and NYC</p>	<p>Measures for Justice State-Level Felony and Misdemeanor Conviction Rates</p> <p>National Center for State Courts Nationwide Felony and Misdemeanor Conviction Rates</p>

Resources

Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The growth, scope, and spatial distribution of people with felony records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818.

Craigie, T.A., Grawert, A., & Kimble, C. (2020). Conviction, imprisonment, and lost earnings: How involvement with the criminal justice system deepens inequality. Brennan Center for Justice at New York University.

Impacts of Clean Slate in Maryland

Today, only **2%** of people with convictions eligible for clearance under the existing petition-based system get relief. It would take **86 years** to clear all the eligible convictions under the current system.¹

This means that around **300,000** people in Maryland have conviction records eligible for clearance today and are not getting the relief.¹

Clean Slate will automate the record-clearing process and provide full record clearance to **410,000** people with conviction and non-conviction records, clearing the backlog and providing additional people with opportunities.²

Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions is **\$1.5 billion** of taxable income, and this estimate doesn't include the income loss for those with non-conviction records.¹

Black adults have a higher rate of convictions than white adults³, and if all eligible conviction records were cleared as a result of Clean Slate, this disparity would shrink by one third.¹

¹ Source: Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "[The Maryland Second Chance Expungement Gap](#)", Paper Prisons Initiative. Note: estimates are based on a 5% sample of individuals with criminal histories between 2000-2020 drawn from Maryland Electronic Courts (MDEC) as well as district and circuit courts.

² Source: The Clean Slate Initiative data model. See: [Methodology Overview](#). Note: impact estimates take into account legislative parameters. Estimates of the populations with conviction and non-conviction records are through 2019.

³ The Clean Slate Initiative estimates that around 27% of Black adults and 22% of white adults have a conviction or non-conviction record in Maryland, using the methodology described above.

Proposed Testimony of Lori James-Townes SB602 - Au

Uploaded by: Lori JamesTownes

Position: FAV

Proposed Testimony of Lori James-Townes, Executive Director of the National Association of Public Defenders – SB602 Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024) – Wednesday, February 21, 2024, 1 pm before the Judicial Proceedings Committee

Honorable Chair, Vice-Chair, and members of the Judicial Proceedings Committee,

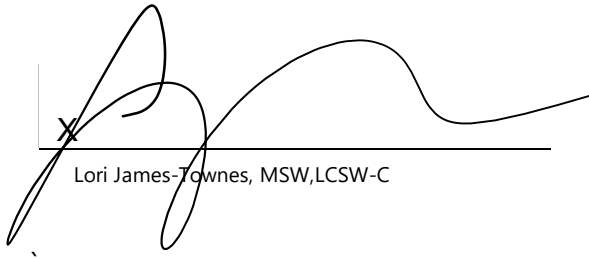
I am Lori James-Townes. I stand before you today as the Executive Director of the National Association for Public Defense. I have spent my entire professional career involved in criminal justice reform and/or public defense. This legislation represents a significant stride toward justice and redemption, underpinned by our shared belief in second chances and rehabilitation.

Senate Bill SB602 moves us closer to empowering returning citizens with the mechanism to petition for automated expungement of certain eligible offenses. Allow me to expound on the profound impact automated expungement could have:

1. Returning citizens are empowered through increased employment opportunities because their criminal record is often the biggest hurdle in securing gainful employment.
2. Rehabilitated citizens gain access to housing to create/enhance stability and growth for their families
3. An automatedly-expunged record widens the gates for those who seek self-improvement and economic mobility through higher education and training.
4. When certain offenses are wiped clean from a person's record, it dismantles barriers to community engagement, supports family unity, and fosters societal inclusion.

Senate Bill SB602 embodies the values of forgiveness, growth, and equity. It aligns closely with what we stand for at the National Association for Public Defense - ensuring a fair and just legal system for all, particularly for those willing to make amends and move forward constructively with their lives.

Members of the committee, I urge you to contemplate the long-term benefits that Senate Bill SB602 will usher in—not only for individuals seeking redemption but for society at large, which thrives when each of its members is accorded dignity and opportunity.



Lori James-Townes, MSW, LCSW-C

RBIJ - Clean Slate MD (Written) Testimony 2_16_24.

Uploaded by: Maggie O'Donnell

Position: FAV



February 21, 2024

Re: HB.658/SB.602: Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)

Dear Members of the Judicial Proceedings Committee,

The Responsible Business Initiative for Justice (RBIJ) is an award-winning international nonprofit that works with companies to champion solutions that promote public safety, deliver justice, and strengthen communities. Since our founding, RBIJ has worked with companies of all sizes in two dozen states to advocate for common-sense policy solutions to expand the workforce and improve the economy. We stand in strong support of passing Clean Slate Maryland (HB.658/SB.602) in order to give deserving individuals across the state the second chance they have earned.

A criminal record poses an enormous obstacle to a person's employment, housing, occupational licensing, and educational prospects. The weight is borne not just by individuals but by their children and families as well. The obstacles to employment are particularly onerous: nine in ten employers currently use background checks to screen applicants, and having a record – even an extremely old record – reduces an otherwise-qualified job seeker's chance of getting a callback by nearly 50 percent. Those record clearing processes that do exist are complicated, burdensome, and seldom accessed. Nationally, less than ten percent of eligible individuals receive the clearance to which they are entitled. The result is costly to businesses and communities alike.

Clean Slate legislation in Maryland would remove these barriers – and businesses across Maryland would benefit. Passing automatic record clearing will help employers access a diverse, loyal, and underutilized talent pool to bolster the labor market. Despite record-low unemployment, businesses across Maryland are still struggling to fill thousands of open jobs. According to a recent poll conducted by Small Business Majority, 84% of small business owners agree that Clean Slate policies will open up a pool of applicants that have earned a second chance. These bills would ease the burden for companies that are desperately trying to hire. Clean Slate is an opportunity for job growth that Maryland cannot afford to pass up.

Passage of these bills would significantly strengthen Maryland's economy. Estimates indicate that the underemployment of people with records costs the United States more than \$80 billion in lost productivity. A study in Michigan found that automatic record clearing increases wages by more than 20 percent within one year alone. That's more money in the pockets of consumers and back into local businesses. Removing barriers to

The Responsible Business Initiative for Justice is the collective name for RBIJ UK (a non-profit community interest company (company number: 12100724)) and RBIJ USA (a fiscally sponsored project of NEO).

www.responsiblebusinessinitiative.org | info@responsiblebusinessinitiative.org



employment reduces the need for government assistance, saving taxpayer dollars and increasing prosperity.

And if the jobs and economic growth potential isn't reason enough to support Clean Slate, the benefit to public safety is key. One of the most important factors in whether someone will reoffend is their employment status. By expanding the pool of talent businesses can recruit into long-term, sustaining jobs, Clean Slate will reduce recidivism. By making Maryland a safer place to live and work, we can continue to attract new talent, new employers, and new investments.

There is a reason Clean Slate enjoys support from multinational corporations, mid-size companies, small businesses, and Chambers of Commerce across the country. They have seen the benefits of automatic record clearing on the communities where they live and operate, as well as on their bottom line. RBIJ stands in strong support of passing Clean Slate. Maryland needs legislation that meets the needs of its workers and its businesses – and HB.658/SB.602 does just that. It is imperative that the legislature take this opportunity to pass these common-sense measures.

Maggie O'Donnell
Director of Policy & Advocacy
Responsible Business Initiative for Justice
maggie@rbij.org

SB602.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



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Judicial Proceedings Committee
Executive Nominations Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 602 – Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse Actions
(Clean Slate Act of 2024)

February 20, 2024

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee

I am writing to endorse Senate Bill 602 – Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024). This bill will immediately begin the process of expungement for certain/eligible criminal charges as soon as the offender begins their sentence. This does not apply to violent criminal offenses. This will not remove State’s Attorneys from the process. Rather, State’s Attorneys will continue to review these automatic expungement cases and can raise objections that will stop the process and thus will not allow it to be expunged.

I thank you all very much for your time and ask for a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike McKay".

Senator Mike McKay

Representing the Appalachia Region of Maryland

Serving Garrett, Allegany, and Washington Counties

NCADD-MD - 2024 SB 602 FAV - Clean Slate - Senate.

Uploaded by: Nancy Rosen-Cohen

Position: FAV



Senate Judicial Proceedings Committee

February 21, 2024

Senate Bill 602

**Criminal Procedure - Automated Expungement,
Waiting Periods, and Adverse Actions
Clean Slate Act of 2024**

Support

NCADD-Maryland supports Senate Bill 602. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the unintended collateral damage caused by our drug policies. When people who struggle with substance use disorders get treatment and start the recovery process, criminal records are often huge barriers to success. Obtaining employment and housing is difficult, and sometimes impossible. Without a place to live or a reliable income, some people are much more likely to re-offend and/or return to alcohol and drug use.

In 2022, Maryland voters legalized cannabis, leading the legislature to advocate for the expungement of charges related to cannabis possession, only to find that this was not possible due to current laws surrounding subsequent convictions, the unit rule, et al. The proposed legislation automates the expungement process instead of requiring written petitions. The bill also seeks to clear many barriers to expungement access.

These kinds of policy changes are a necessary component to significantly improving our communities. When people have served their time, they should have the opportunities and supports needed to ensure they are able maintain productive lives and livelihoods with their families. Removing some of the barriers to success will also help people with substance use disorders maintain their recovery.

We urge your support of Senate Bill 602.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

MD Clean Slate_Support Letter_Flagger Force.pdf

Uploaded by: Shea Zwerver

Position: FAV



February 20, 2024

**Support– House Bill 658 (Moon, Bartlett, Crutchfield, and Williams)
and Senate Bill 602 (McKay, Muse, Sydnor, Smith, Kelly, Waldstreicher, West, and Carter)
Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)**

Flagger Force supports H.B. 658 and S.B. 602

Dear Members of the Judicial Proceedings Committee,

As the Workforce Development and Public Affairs Manager of Flagger Force, I write to you in support of HB.658 and SB.602 - Clean Slate Act. These bills are common-sense legislation that will expand Maryland's workforce, diversify the talent pool, and provide meaningful career opportunities to thousands for whom criminal records pose a barrier to employment.

Flagger Force is a leading traffic control company, providing services throughout the eastern United States. We work to keep our communities moving, not only by directing the flow of traffic for our clients but also through job creation and offering career development. We support Clean Slate legislation in Maryland because we believe everyone deserves the dignity of work. We have witnessed firsthand the impact fair-chance employment can have on the lives of individuals, families, communities, and the economy. Approximately one million people, or 22% of Maryland's adult population, have some form of criminal record. While an estimated 410,000 of those Marylanders are currently eligible to have their records cleared, the existing petition-based system is a bureaucratic maze. The costly, complex, and time-consuming process means our neighbors are denied the relief and economic opportunities they deserve. Voting for automatic record clearing is a vote to give our communities a fresh start – and a clean slate.

We cannot overstate the effects of fair chance hiring and the access to opportunities it leads to for those with criminal records. Formerly incarcerated individuals face over [40,000 barriers](#) to meaningful re-entry, and formerly incarcerated individuals are unemployed at a rate of over 27%. For a point of reference, the peak unemployment rate during the COVID-19 pandemic was 13%, according to the U.S. Bureau of Labor Statistics. With nearly [nine in ten employers](#), [four in five landlords](#), and [three in five colleges](#) still using background checks to screen applicants' criminal records, the obstacles associated with an old criminal record can last a lifetime. Once an individual has paid their debt to society, they should be able to rejoin their community freely without their past continuing to create obstacles and roadblocks to a quality life.

Not only would Clean Slate have immediate economic benefits – it would also contribute to public safety. Individuals who had their records cleared are [less likely to commit a new offense](#) than the general population. By helping deserving Marylanders rejoin the workforce, Clean Slate will significantly reduce recidivism, making our communities stronger, safer, and more prosperous.

Flagger Force is proud to employ 380 Marylanders – including individuals with old criminal records. Working towards a more equitable and inclusive future means giving people a real chance. By doing so, we will

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undoubtedly strengthen the workforce, the economy, and communities across Maryland. Flagger Force strongly supports Clean Slate in Maryland, and I urge the Committee to approve this critical legislation.

Sincerely,

Shea Zwerver

Contact:





Shea Zwerver

Public Affairs and Workforce Development Manager

717.482.8833

Shea.Zwerver@FlaggerForce.com

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SB 602 - Criminal Procedure - Automated Expungemen

Uploaded by: Kam Bridges

Position: FWA

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of Senate Bill 602

Criminal Procedure - Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)

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

FROM: Job Opportunities Task Force

DATE: February 21, 2024

POSITION: Favorable with Amendments

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports Senate Bill 602 with amendments, which establishes procedures and requirements for automated expungement for certain eligible offenses.**

It is important to note that automatic expungement has traditionally meant the obliteration of the records or the removal from any inspection except through a court order. JOTF continues to support expungement bills that will remove criminal records that act as barriers to employment. Senate Bill 602 is a great first step in allowing the automatic expungement of criminal convictions under §10-105, §10-107, and §10-110. It recognizes that the passing of time is a key motivator for rehabilitation. Senate Bill 602 is stating that a misdemeanor is eligible after 10 years - except for certain domestically related convictions and a felony conviction is eligible after 20 years, including these domestically related misdemeanors. Individuals would not have to file a paper petition but rather after The Clean State time eligibility has passed - the criminal history record information would be removed from the records of the various criminal justice units.

There are several expungement bills currently pending in the 2024 Session that directly relate to Senate Bill 602.

- Senate Bill 11 - Senator Carter's bill that would remove the barrier that says an otherwise eligible favorable or eligible conviction disposition is not barred from being expunged due to the unit rule as defined by § 10-107.
- Senate Bill 454 - Senator Carter's bill that would change the definition of completion of sentence to allow a person who violated their probation to still ask the courts to grant the expungement. § 10-101, § 10-105, and § 10-110
- House Bill 269 - Delegate Grammer's bill that would modify § 10-109 which would provide additional protections for the individual regarding disclosure of an expunged case.

JOTF supports incorporating the language of the aforementioned bills within Senate Bill 602 via the following amendments;

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

1. Include the additional language in Senate Bill 454 regarding the definition for completion of sentence under § 10-101.
2. Given that Clean Slate Record Removal is not a complete expungement as defined by the § 10-101, perhaps referred to the process as non-disclosure of records as defined in § 10-401. The reason that Clean Slate Record Removal is not expungement is that language of the bill does not require that once the record is cleared from the criminal justice units' systems that the same records are not expunged from the courts' databases included case search, secured case search, J-portal or MDEC. While § 10-113 (6) of the proposed bill makes reference to Maryland Judiciary Case Search, this may not be sufficient language to ensure an actual expungement. A lesson learned when § 10-401 became law - this non-disclosure did not include other databases beyond public access. Law enforcement still had access through Secure Case Search and J-Portal. The public still could access it through MDEC and Lexis/Nexis websites because the language of that bill was not thought to include all possible public databases that may have the information. JOTF asserts that consistency throughout the criminal code regarding the definition of what constitutes and expungement is critical to ensure formerly incarcerated individuals are informed of the rights and services afforded them.

For these reasons, JOTF supports Senate Bill 602 and urges a favorable report with amendments.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

Testimony - 2024 - SB 602.docx - Google Docs.pdf

Uploaded by: Mary Denise Davis

Position: FWA



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

**BILL: SB 602 Criminal Procedure - Automated Expungement,
Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)**

FROM: Maryland Office of the Public Defender

POSITION: Favorable with Amendments

DATE: February 16, 2024

The Office of the Public Defender respectfully requests that the Committee issues a favorable report, but with amendments suggested for Senate Bill 602.

The Office of the Public Defender has been working with expungement clients for over two decades through our weekly expungement clinics and an annual “Back to the Neighborhood: How to Succeed with a Criminal Record” event. The Office has been pushing for reforming the expungement statute since 2007 when legislation created the first automatic expungement statute in Maryland. This allowed automatic expungement of arrest records of a person who was detained yet no formal charges were ultimately filed by the State. The Office continued to advocate for automatic expungement of favorable dispositions. It took several years, but finally in October 2021, automatic expungement became a reality for favorable dispositions – *nolle prosequi*, acquittal, dismissal, and not guilty dispositions became automatically expunged from both court and police records after three years. §10-105.1.

The Office continues to support all expungement bills that will allow our clients to remove the barriers of a criminal record. Senate Bill 602 is a great step in allowing the automatic expungement of criminal convictions under §10-105, §10-107, and §10-110. It recognizes that the passing of time is a key motivator for rehabilitation. Senate Bill 602 allows a misdemeanor conviction to be eligible after 10 years - except for certain domestically related convictions, which would be eligible after 20 years - and a felony conviction to be eligible after 20 years as well.

Senate Bill 602 is not expanding the lists of eligible convictions. Senate Bill 602, however, will allow expungements for these eligible convictions to be processed with no paper filing after the lapsed time period.

Senate Bill 602 incorporates the language of several other bills that are currently pending in the 2024 Session. The Office of the Public Defender is in support of each of these bills.

- Senate Bill 11 - Senator Carter's bill that would remove the barrier that says an otherwise eligible favorable disposition or eligible conviction is not barred from expungement due to the unit rule as defined by § 10-107.
- Senate Bill 454 - Senator Carter's bill that would change the definition of "completion of sentence" to give a person who violated probation the ability to file for an expungement and demonstrate to the Courts that rehabilitation has occurred. § 10-101, § 10-105, and § 10-110.
- House Bill 269 - Delegate Grammer's bill that would modify § 10-109 which would provide additional protections for the individual regarding disclosure of an expunged case and prevent it from being available to public inspection.

The Office of the Public Defender supports the passing of Senate Bill 602 because: 1) it allows eligible convictions to be expunged without a paper filing; and 2) it includes language of expungement bills that the Office has provided support for, or will support passage of, this year.

The Office of the Public Defender is asking for the following amendments:

1. Include the additional language in Senate Bill 454 regarding the definition of a "completion of sentence" under § 10-101. It is important that the legal impact of the *In Re Expungement Petition of Abhishek I.* case be modified so impacted individuals at minimum have the ability to ASK the courts to grant an expungement.
2. Given that Clean Slate Record Removal is not a complete expungement as defined by the § 10-101, the Office suggests a better definition would be akin to the process of non-disclosure of records as defined in § 10-401. The reason that Clean Slate Record Removal is not complete expungement is because the language of the bill solely requires that the record be cleared from the criminal justice units' systems generally and does not specifically require removal from the courts databases including case search, secured case search, J-Portal or MDEC. While § 10-113 (6) of the proposed bill makes reference to Maryland Judiciary Case Search, our clients and the advocates have learned that this may not be sufficient language to ensure an actual expungement. A lesson learned when § 10-401 became law - this non disclosure did not include other databases. The public still could access it through MDEC and Lexis/Nexis websites because

the language of that bill was not thought to include anything beyond Maryland Judiciary Case Search.

The Public Defender thinks it is very important that our clients are properly informed. If a matter is referred to as being expunged, it should hold the same expectation as any other expungement where both the court and law enforcement records are expunged and there is no access to that record except through a court order.

3. The Clean Slate Bill envisions a portal system by which only the individual can obtain access to the status of the expunged case. The Public Defender Office is very hesitant about creating access to matters once they are expunged without a court order. The Office is concerned how this information will be available if the record itself has been expunged. The Clean State Initiative is a national organization who are promoting this legislation throughout the country. In Maryland, we have been persistent in our efforts to prevent the continuing information of expunged cases to remain available in any format without a court order.
4. Automation should mean that once the period of time has expired, the eligible matter will be expunged. The Clean Slate bill will allow the prosecuting agency to object and place the burden on the prosecutors to determine eligibility. The eligibility, if truly automation, should be determined just by the charge, disposition and time passing. The bill places the task on the Department of Public Safety. This task should begin and end there.

The Clean Slate bill has the ability to help so many impacted individuals. It's an important piece of legislation, and consideration of the proposed amendments could help with clarifying the purpose of the bill. Paper filing should not be needed if an otherwise conviction is eligible to be expunged. Expungement should be automated if the case is otherwise eligible. The police and court records should be expunged as defined by statute and access to any expunged case should only happen with a court order.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report, with amendments on SB 602.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

**Authored by: Mary Denise Davis, Chief Attorney of the Pretrial Unit, Baltimore City
marydenise.davis@maryland.gov, 410-878-8150.**

SB 602.pdf

Uploaded by: John Cox

Position: UNF

Bill Number: SB 602
Maryland State's Attorneys' Association
Opposed

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION IN
OPPOSITION TO SENATE BILL 602-CRIMINAL PROCEDURE-AUTOMATED
EXPUNGEMENT, WAITING PERIODS, AND ADVERSE ACTIONS
(CLEAN SLATE ACT OF 2024)

The Maryland State's Attorneys' Association is opposed to Senate Bill 602- Criminal Procedure-Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024) and asks for an unfavorable report.

In 2016, the Maryland General Assembly embarked on and completed a major renovation to the criminal justice system known as the Justice Reinvestment Act. Of the many aims of that mission, there was a strong emphasis on restorative justice. This was to restore justice for society, the criminally charged person but also for the victims of crime. Included within the Justice Reinvestment Act was a substantial and groundbreaking change to the expungement process and its' availability. Primarily, the change was to allow expungement for many cases resulting in guilty findings in a large number of crimes including some felonies when previously expungement was permitted primarily only for non-convictions. Little has been done to change that structure within the Justice Reinvestment Act other than to add a few crimes which had been missed and to shorten some time frames required for eligibility to expunge a conviction. The changes have greatly increased the number of expungements addressed and granted to individuals. Senate Bill 602 takes the concept of expungement for convictions and eviscerates its' true function and totally excludes victims from their right to input and on many occasions will prevent the victims from being restored to some semblance of justice.

The Bill removes the requirement in any case (PBJ's or guilty findings) that the person who is eligible for expungement be required to be successful in the completion of their sentence. Section 1 of this Bill would allow expungement even if the offender has totally disregarded their sentence and the conditions of probation if conditions were imposed. For example, if a defendant refused to even try to make the victim whole by paying required restitution, they could still have their conviction expunged after the probation is over and the time frame has passed for expungement. This would leave the victim with no recourse and the judgment of restitution (if one existed) would disappear. The victim would have no record left of the case to pursue justice on their own.

Section 2 of the Bill is of even greater concern for the citizens of this State, all of the partners in the criminal justice system and the victims of crime. The Bill would create a system to make every potential offense eligible for expungement to become "clean slate eligible" at a certain point. The Department would then somehow be required to monthly review all cases in the State of Maryland to see if an offense has become eligible to be automatically expunged. The Department would then be required to notify the Administrative Office of the Courts and "all applicable criminal justice units" of those offenses the Department has

determined to be clean slate eligible. At that point, only a prosecuting agency is allowed to respond to contest eligibility. This is despite the fact that the victim is allowed to oppose an expungement under the current process in Criminal Procedure §10-110. In addition, the prosecuting agency can only contest the expungement if the offender has since been convicted or the prosecuting agency believes that the person is still engaged in criminal activity. This process has many flaws, pitfalls and potential for injustice.

First, it is very unclear how the Department is able to determine if the offense is clean slate eligible. Is the Department conducting a record check nationwide? Is the Department inquiring of every law enforcement agency if anyone suspects the individual is still engaged in criminal activity? In addition, it would seem that the logistical burden of finding every clean slate eligible offense would be overwhelming and financially prohibitive.

Next, the burden on the prosecuting agency would be significant and concerning. It would require the agency to review every case forwarded not only for any subsequent offenses but then to inquire of any law enforcement agency anywhere if the person is still engaged in criminal activity. We would be given 30 days to accomplish this for likely a very large number of cases. Most importantly, the Bill would gut a very key part of the 10-110 expungement capability for guilty findings. Currently, if an application for expungement on a guilty finding is filed, the State or the victim can contest the requested expungement. In addition to addressing whether the individual has been convicted of another offense, the Judge is also to address and find "that giving due regard to the nature of the crime, the history and character of the person, and the person's success at rehabilitation, the person is not a risk to public safety" and "that an expungement would be in the interest of justice". Those findings have been totally removed under this process. Therefore, an individual can be convicted of an infamous crime, totally disregard their probation, continue to be a danger to public safety and no one can stop this expungement.

There are crimes which should never be erased from the public memory or access. With this legislation, those crimes will be erased. For example, a corporate CEO or a powerful elected official steals millions of dollars from their shareholders or citizens. That person is convicted of Felony Theft and never pays the victims back. If the individual manages to not be convicted of another crime, that offense will be automatically expunged. An individual disregards probation and absconds, a Judge issues a bench warrant which is never served, the probation term ends (albeit not satisfactorily). It appears under this legislation the conviction will be expunged automatically. The defendant doesn't have to do anything.

This is clearly not what the General Assembly intended when they elected to allow some offenders to expunge a conviction through the Justice Reinvestment Act. The idea was to allow those who successfully paid their debt to society and demonstrated that they have rehabilitated themselves, made society and victims as whole as can be accomplished, to remove any record of their conviction from access in any manner to the public. It should not be extended to mandate expungement for anyone who accomplishes the one requirement of not being caught or convicted of another offense after the one now being considered for expungement. This will do an injustice to the State and to the victims of crime. The victims were intended to be an integral part of the restorative process. This cuts them out of a significant element of restorative justice.

We ask for an unfavorable report.

sb602.pdf

Uploaded by: Linda Miller

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 602
Criminal Procedure – Automated Expungement, Waiting Periods,
and Adverse Actions (Clean Slate Act of 2024)
DATE: January 31, 2024
(2/21)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 602. This legislation amends provisions in Title 10, Subtitle 1 of Criminal Procedure Article by establishing procedures for and requirements relating to the “automated expungement” of certain “clean slate eligible charges”; requiring the Department of Public Safety and Correctional Services (the “Department”) to conduct certain publicity campaigns, disseminate certain information, and provide a certain digital service; and generally relating to expungement.

While the legislation does not raise specific technology concerns for the judiciary, it is expected that this bill will trigger an extraordinary increase in the number of cases or charges potentially eligible for expungement. This will in turn result in an unreasonable burden on judicial resources. There is an added concern that the charges identified by the Department as Clean Slate Eligible will not match the records maintained by the Judiciary. The records maintained by the Department are person-centric records, whereas the records maintained by the Judiciary are case-centric. This will frequently result in the Department either over-capturing or under-capturing Clean Slate Eligible charges. As an example, many individuals are charged by citation, and those individuals’ charges are not entered in the Department’s database.

In addition, the bill would remove the requirement of “satisfactory” completion of sentence/probation. This removes from the court’s consideration critical factors relating to the appropriate decision whether to expunge. With regard to the automatic expungement provisions, there is a serious public safety risk. The requirement of domestic violence cases to have been marked domestically related is unworkable as the Judiciary is unable to identify all cases as domestically related.

Further, the bill permits a prosecuting agency to object to the expungement of a charge upon a “reasonable belief” that the individual who is the subject of the charge is

continuing to engage in criminal activity, “whether charged or not charged, within or outside the State.” This language is unclear.

The bill allows the State’s Attorney to file an objection with the court to cases on the Department’s list but does not provide for any judicial review. After a timely objection by the State’s attorney, the bill appears to require the Department to remove the case from the list. The bill is also unclear how the Department would be able to properly authenticate a defendant and permit that defendant to review a database to see if the case has already been expunged.

Finally, the bill requires the Department to notify the Administrative Office of the Courts instead of the jurisdiction of the criminal charge and requires the Chief Justice of the Supreme Court of Maryland to transmit a signed expungement order to all criminal justice units that have relevant criminal history records. Not only is it inappropriate for the Chief Justice of the Supreme Court to transmit expungement orders, the bill places responsibility on the Judiciary to issue an expungement order without a review by the court when no objection is filed.

cc. Hon. Mike McKay
Judicial Council
Legislative Committee
Kelley O’Connor

MCPA-MSA_SB 602 Clean Slate Act_Oppose.pdf

Uploaded by: Natasha Mehu

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 21, 2024

RE: **SB 602 Criminal Procedure - Automated Expungement, Waiting Periods,
and Adverse Actions (Clean Slate Act of 2024)**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 602**. This bill makes significant changes to the State's expungement laws by creating an automatic expungement process for charges that are "clean slate eligible".

Under SB 602 certain charges are deemed eligible for automatic expungement. Individuals who are the subject of the charges would not have to petition for the expungement. Rather, the Department would review the criminal history record information contained in the central repository monthly for clean slate eligible charges. While a "prosecuting agency" may object to the expungement, the prosecuting agency is only allowed to object once, even if the charges continue to be ineligible for expungement.

The automatic expungement process would apply to individuals convicted of a wide variety of crimes. Three years after disposition, charges under § 10-105(A), (C), and (E) and § 10-107 of the subtitle would be eligible for expungement. Misdemeanor and felony charges under § 10-110(A), (C), and (D) and § 10-107, except those that are domestically related, would be eligible for expungement after seven and 20 years respectively.

The bill also changes the terms for completion of a sentence. Individuals would no longer have to complete the sentence to "satisfaction" and completion of probation would no longer be required for charges that are clean slate eligible. The removal of "satisfactory" completion of a sentence and completion of probation are meaningful. The word "satisfactory" is important. Requiring that a sentence be "satisfactorily" completed in order to have a conviction expunged provides an incentive for individuals to comply with probation, parole, and conditions of the sentence. Removing completion of parole as a requirement further erodes consequences.

Furthermore, it also prohibits refusal to disclose criminal charges that have been expunged from being the sole reason for the state or an instrumentality for the state to deny an application for a license, permit, registration, or government service. State law enforcement agencies would be prohibited from denying firearm licenses and permits to applicants who refuse to disclose having expunged criminal charges. The prohibition would also apply to professional licenses for security guards, private detectives, and special police among others. These are all permits and licenses in which a person's full criminal history needs to be considered.

This bill is well-intended, but the sweeping changes may lead to unintended consequences. For these reasons, MCPA and MSA **OPPOSE SB 602** and urge an **UNFAVORABLE** Committee report.

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Uploaded by: Catherine Kahl

Position: INFO



Department of Public Safety and Correctional Services

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PROGRAMS, TREATMENT AND
REENTRY SERVICES

JANELLE B. MUMMEY
DIRECTOR

BILL: SENATE BILL 602

POSITION: LETTER OF INFORMATION

EXPLANATION: The bill alters the waiting period of an expungement, and establishes an automated expungement process for certain charges considered Clean Slate eligible without requiring the filing of a petition for expungement by an individual. The bill further requires the Department to provide a digital service to allow individuals to check on the status of whether their charges were expunged.

COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) houses the Criminal Justice Information System (CJIS) which is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily authorized entities.
- Pursuant to HB 837, Cannabis Reform, that passed in 2022, the Department has been working to implement automatic expungement for all cases in which possession of cannabis is the only charge, and is on target for meeting the July, 2024 implementation deadline.
- SB 602 requires all clean slate eligible charges, including those under the unit rule, to be expunged by automated expungement. To accomplish this, it will be necessary for CJIS to recognize when a clean slate eligible charge is part of a unit. Automated expungement can only occur if all the charges within the unit are clean slate eligible. Without this functionality, CJIS will only be able to accept clean slate eligible charges when it is the only charge.
- Currently, CJIS does not have the technological means to process automated expungement on a scheduled basis, to identify clean slate eligible charges and perform an electronic sweep of the charges, notify the courts and prosecuting agencies, and populate the results into a digital service for individuals to perform status updates and reporting.

- The Department's Computerized Criminal History (CCH) system is not advanced enough to customize upgrades for the magnitude of the legislation, and requires modernization. The Department is currently in the procurement phase for the CCH modernization project.
- To fully implement the requirements under the bill, the Department will need to develop and deploy an IT solution to accommodate the ability to perform partial expungements, which would be far more efficient than just having the ability to recognize a unit, and to perform all of the functions required under the bill as mentioned above.
- The Department's Information, Technology and Communications Division estimates it will take a total of five years to complete the technological upgrades to the CCH and to create a new Clean Slate system to allow CJIS the ability of partial expungement functionality. There will be a substantial cost to implement all of the provisions of SB 602.
- **CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates on Senate Bill 602.