

**SB 1030 LBH & CFH combined testimony.pdf**

Uploaded by: Adam Rosenberg

Position: FAV



Date: March 5, 2024

To: Chair Smith, Vice Chair Waldstreicher and the Judicial Proceedings Committee

Reference: Senate Bill 1030 – Criminal Procedure – Expungement of Records – Good Cause

Position: FAVORABLE

Dear Chair Smith and Committee Members:

On behalf of LifeBridge Health’s regional health system and our Center for Hope, we thank you for this opportunity to provide information on Senate Bill 1030. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. At LifeBridge Health, we recognize the devastating impact of violence in our communities, and the growing number of victims of all ages. This is a public health issue and we need to help our communities by partnering with the people in them, to break the cycle of violence. We need to partner alongside community leaders, stand shoulder to shoulder with parents and caregivers, and help provide survivors of violence and crime with support and healing, in order to grow a collective hope for a better city and a better world.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the <sup>1</sup>[estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. <sup>2</sup>[Over 60 percent of formerly incarcerated persons remain unemployed](#) one year after release. This is mainly because more than <sup>3</sup>[85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are *not* eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the <sup>4</sup>[“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. For example, if an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later.

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<sup>1</sup> [https://drive.google.com/file/d/1hUGVpwl6Z\\_GN4KOK6gV1eNkiyYbjbJI/view](https://drive.google.com/file/d/1hUGVpwl6Z_GN4KOK6gV1eNkiyYbjbJI/view)

<sup>2</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>3</sup> [https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20the%20Society,cycle%20\(see%20chart%20below\).](https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20the%20Society,cycle%20(see%20chart%20below).)

<sup>4</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107&enactments=False&archived=False>

**CARE BRAVELY**

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as <sup>5</sup>[one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in <sup>6</sup>[Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. Center for Hope fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland.

For all the above stated reasons, we request a FAVORABLE report for Senate Bill 1030.

For more information, please contact:

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<sup>5</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

<sup>6</sup> [https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp&section=10-105&enactments=False&archived=False#:~:text=%C2%A0\(9\)%C2%A0%C2%A0%C2%A0%C2%A0A%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.](https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp&section=10-105&enactments=False&archived=False#:~:text=%C2%A0(9)%C2%A0%C2%A0%C2%A0%C2%A0A%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.)

# **GoodCause\_FAV\_ArtClunk.pdf**

Uploaded by: Art Clunk

Position: FAV

**TESTIMONY IN SUPPORT OF SENATE BILL 1030 / HOUSE BILL 523:**

**Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the House Judiciary and Senate Judicial Proceedings Committees

FROM: Art Clunk

DATE: March 5th, 2024

My name is Art Clunk; I am a resident of District 11 and passionately support Good Cause Expungement for my son.

Two years ago, my son, who works for the Anne Arundel County Fire Department, went out to dinner with his best friends to celebrate the announcement of his engagement with his girlfriend. On his drive home, after two drinks, he was pulled over by law enforcement and received a DWI. He called me and my wife utterly appalled at this situation and took full responsibility for his actions. I thought he could move on from this, only to discover that his charge is not eligible for expungement.

At the time, my son had been working in the department for over 5 years, and this charge put his work at risk. The Chief pulled him from his assignment and gave my son the choice to work at as an EMT or answer phones since he was no longer allowed to drive until his case was settled. I am grateful he has a stellar reputation, or his team may not have been so lenient.

He was given a PBJ with two years probation at the trial, which he completed without hesitation. He lost 96 hours of pay and had to get tested for drugs and alcohol for around 90 days. His chief pushed him to go back to school to be a paramedic, which he had just graduated from last June. He is now a full-fledged national paramedic aiming to become a lieutenant soon.

I support this bill to allow my son to overcome this mistake. It should not be held against him for the rest of his life. I know that multiple bills are considering a fix to this, and I support them all. Whether it is the 10-year waiting period with a 5-year shield or Good Cause Expungement, either would do wonders for my family. We have all enjoyed fine wine in our younger years, and no one should have to live with such a crippling mistake for all of their life.

My son is highly remorseful of his actions, and as his father, it hurts me to see him go through this. He is soon to marry his fiance in May. Please support this bill and put us on a path to keep my boy on the right track.

**SB1030\_FAV\_BobbiLewisCollick.pdf**

Uploaded by: Bobbie Lewis-Clark

Position: FAV



## **TESTIMONY IN SUPPORT OF SENATE BILL 1030**

### **Criminal Procedure – Expungement of Records – Good Cause**

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

DATE: March 5th, 2024

FROM: Bobbi Lewis-Collick

My name is Bobbi Lewis-Collick, and I have been a resident of District 45 for over seven years. I currently work as a staff member at The Center for Urban Families (CFUF). I support Senate Bill 1030 to expunge charges connected via the “Unit Rule,” which has stood as a permanent roadblock to criminal record expungement.

The Unit Rule directly impacts me as I have charges over 10 years old that I can not get expunged because one charge in my unit of charges is not eligible for expungement. This has significantly hindered my ability to secure employment, apartments, job advancement, degrees, and much more.

Senate Bill 1030 allows for a Good Cause Expungement, allowing me to make a case for expungement though my charge is connected to a unit. Passing this bill would help me and others in my situation who have backgrounds that changed their lives but are punished for those things repeatedly. For these reasons, we respectfully urge a favorable report.

**SB1030\_FAV\_CarlosBattle.docx.pdf**

Uploaded by: Carlos Battle

Position: FAV



## **TESTIMONY IN SUPPORT OF SENATE BILL 1030**

### **Criminal Procedure - Expungement - GOOD CAUSE**

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Reverend Carlos Battle, New Shiloh Baptist Church & WE OUR US

Greetings Committee Members,

I am Carlos Battle, a resident of District 40 in West Baltimore and a reverend at New Shiloh Baptist Church. I support Good Cause Expungement to allow for the expungement of charges that may have involved a probation violation.

About 24 years ago, I received a possession with intent to distribute charge and took a plea deal because I was addicted to drugs and did not want to spend time in jail. I was sentenced to three years probation and 10 years of a suspended sentence. I was violated while on probation for missing a meeting and served the suspended sentence, making my charge permanently ineligible for expungement.

While incarcerated, I became the pastor of Sikesville Correctional Institution and attended Anne Arundel Community College. I also took classes on digital literacy to keep my skills up and worked in the library. Upon release, I came home and struggled to find employment. After years of searching, I found a job at Walmart and worked my way up to manager while earning a safe serve certification, allowing me to become a chef. I then moved on to Sinai Hospital as a chef for 10 years and currently work for Johns Hopkins University.

Today, I am in ministry at New Shiloh Baptist, attended by my friend and representative, Kweisi Mfume. I lead the prison and substance abuse ministry and am on the evangelism team. For six years, I have been a member of the WE OUR US MOVEMENT, distributing resources to the community, aiding the drug addicted, employing the youth with jobs, and giving hope in the streets of Baltimore.

God has done wonders in my life, and I wish to help my brothers experiencing similar struggles. This bill will help me, and many of my congregants expunge their records after finishing their debt to society. I urge a favorable report.

**HB0523\_SB1030\_FAV\_CFUF\_SIGNON (Public).pdf**

Uploaded by: Christopher Dews

Position: FAV



**TESTIMONY IN SUPPORT OF SENATE BILL 1030 / HOUSE BILL 523:**

**Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the House Judiciary and Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant

DATE: March 5th, 2024

The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports Senate Bill 1030/ House Bill 523 as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City, where CFUF operates.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are not eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Second, the “Unit Rule,” under [Criminal Procedure §10–107](#), prevents the expungement of a charge if the person is not entitled to the expungement of every other charge within the unit, preventing charges that would be eligible for expungement from actually being deleted. Third is the subsequent conviction statute, which bars eligible charges from expungement if a new charge, no matter how minor, is picked up during the waiting period of the initial charge. Fourth, the [Court of Special Appeals](#) ruled that any probation violation means a conviction is indefinitely ineligible for expungement, regardless of the nature of the violation or the length of time passed. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely.

**House Bill 523** offers a clear, rational solution to the expungement access problem for millions of returning citizens, expungement lawyers, and judicial officials. It adds §10-110.1 to the



Criminal Procedure Article to grant district and circuit courts judicial discretion in determining the expungement of convictions. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. The criteria for a Good Cause determination in the bill is based on the nature of the crime, rehabilitation of the person, the risk to public safety, and the impact of the conviction on the person’s successful re-entry. Note that the bill only allows a good cause petition **once every five years** per charge, and there is *no* opportunity to appeal to prevent the court from being overwhelmed with new cases.

We trust the courts to levy charges against individuals that will drastically alter their lives for decades. If we trust the court’s discretion with life-changing convictions, it stands to reason that we can trust it when granting expungements. For these reasons, we respectfully urge a favorable report of **Senate Bill 1030/ House Bill 523**.

**The Undersigned Organizations Support Good Cause Expungement - SB1030/ HB0523**

1. The Legislative Black Caucus of Maryland
2. Center for Urban Families
3. Maryland Office of the Public Defender
4. Maryland Legal Aid
5. Maryland Volunteer Lawyers Service
6. Maryland Alliance for Justice Reform
7. Homeless Persons Representation Project
8. BetterU Construction Training
9. Job Opportunities Task Force
10. Out for Justice
11. Life After Release
12. Helping Oppressed People Excel
13. Maryland Justice Project
14. Public Justice Center
15. From Prison Cells to Phd
16. Baltimore Action Legal Team



### MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities







**BALT**

BALTIMORE ACTION LEGAL TEAM



**UNIVERSITY OF  
BALTIMORE**

Center for Criminal  
Justice Reform

**SB1030\_FAV\_CFUF.pdf**

Uploaded by: Christopher Dews

Position: FAV





## TESTIMONY IN SUPPORT OF SENATE BILL 1030:

### **Criminal Procedure – Expungement of Records – Good Cause**

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

FROM: Christopher Dews, Policy Consultant

DATE: March 5th, 2024

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

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City, where CFUF operates.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are not eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Second, the “Unit Rule,” under [Criminal Procedure §10–107](#), prevents the expungement of a charge if the person is not entitled to the expungement of every other charge within the unit, preventing charges that would be eligible for expungement from actually being deleted. Third is the subsequent conviction statute, which bars eligible charges from expungement if a new charge, no matter how minor, is picked up during the waiting period of the initial charge. Fourth, the [Court of Special Appeals](#) ruled that any probation violation means a conviction is indefinitely ineligible for expungement, regardless of the nature of the violation or the length of time passed. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely.

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



the expungement of convictions. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. The criteria for a Good Cause determination in the bill is based on the nature of the crime, rehabilitation of the person, the risk to public safety, and the impact of the conviction on the person’s successful re-entry. Note that the bill only allows a good cause petition **once every five years** per charge, and there is **no** opportunity to appeal to prevent the court from being overwhelmed with new cases.

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

**SB1030.pdf**

Uploaded by: Derek Liggins

Position: FAV

My name is Derek Liggins and I am here to support Senate Bill 1030. The laws around expungement are one of the main causes of the lack of growth in the black community. With a favorable vote on this bill, it will change lives and remove some of the barriers that impact returning citizens so they can be successful if we truly believe in rehabilitation. I'm a returning citizen living in Baltimore City's 45th district. My conviction was in 1994. Since then, I've become a homeowner employed with the same mechanical engineering company for the past 15 years. I am a different person today than I was 30 years ago. My record has directly affected my income. As my company takes on more government contracts, I can't work those government contracts because of the current expungement laws. With the scale wage that's paid on these contracts I could make extra \$20,000 per year to my salary. This bill could make a difference in my life, my family's life and people like me. I'm asking for a favorable vote on this bill.

**Bill SUPPORT SENATE BILL ALL (1).pdf**

Uploaded by: Glen Rosenberg

Position: FAV

HB0073 Allow Expungements –After the Completion of a Sentence

HB0523 Allow Expungement of Records Anytime for – Good Cause

HB0550 Allow Partial Expungement and repeal the UNIT RULE Similar to STODDARD vs. Maryland

<https://supreme.justia.com/cases/federal/us/395/711/> North Carolina vs Pierce

<https://caselaw.findlaw.com/court/md-court-of-appeals/1410566.html> Kevin Tremaine STODDARD

PEOPLE:

**I URGE ALL OF YOU to SUPPORT THESE HOUSE BILLS Above, For the Reasons Stated Below.**

This COSA Ruling is sending the wrong message and violates (NORTH CAROLINA v. PEARCE, 395 U.S. 711 (1969) regarding violations of probation. It also converts any conviction to a life sentence which is beyond what the Court can sentence you to or what the legislation intended. This COSA Ruling goes against all the efforts we have all been working towards and that is to give people a second chance, helping people get jobs and get curtail poverty and become productive citizens again.

The United States Supreme Court Ruled in 1969, North Carolina vs. Pearce that;

"You cannot receive a harsher sentence for exercising your Constitutional Right" It was bad enough to learn that a Maryland Expungement only meant to remove from Public View and that the F.B. I do not recognize Maryland Expungements as it does in other States. Because of this, you still have job limitations because of high security background checks and it does not restore your constitutional rights. Prosecutors I believe can and use expunged convictions against someone who was charged and convicted of a new crime. They can use "untried" bad acts to enhance your sentence you were never charged with or even questioned about at sentencing. There is a rule that prohibits the State from using 15 year old convictions if you receive a new charge to impeach you at the new trial, but if found guilty they can use it at sentencing. If they cannot use a 15 year old conviction at a trial, you should be able to have it expunged. This just proves that the State wants to keep people X cons and on poverty the rest of their life.

After reading this case about a violation of probation no matter how small/ technical it was or old it is will now prohibit everyone from ever expunging that conviction, I find it this being a Tragedy to Justice. When you violate probation, the Court can give you any part or your entire suspended sentence. With this NEW Ruling by the COSA, it prohibits you from ever expunging it which makes it a harsher sentence, which violates North Carolina vs Pierce, (1969) it also creates cloud of Double Jeopardy. Whether the court gives you part or all of your suspended sentence and you do it, you paid for the violation. Why keep punishing someone more after they paid their debt. It's like being kicked repeatedly even though you are already down. I have never read any laws that relate to probation violations or ever heard of any in 40 years that I have been reading case law. This probation violation issue has never been mentioned. If you receive a probation violation, you will never be able to expunge a conviction? They may as well go back to 2017 how it was before they expanded expungements and repeal 10-110.

I cannot say everyone is alike, but I perceive many people with a conviction on their record that can't expunge it now or ever may say to themselves, if they won't let me be normal again and live a normal

life, why should I care if I get another conviction etc. on my record. They have to eat and get money for their family if they have one or a place to sleep if it is only them. If they can't get a good paying job, a loan for a car or house, what incentive do they have not to commit more crimes? I spoke to many people in prison and they told me if they need something and don't have the money, they will take it. I believe this particular person had been in the system many times and was there for robbing a store or bank.

This COSA ruling had to be the idea and motivated by the State Prosecutors office in Maryland. Ever since 2017, when they expanded expungements, which was long overdue, the prosecutor's office in Maryland has been trying to block all forms of expungements for any reason even though all expungements in Maryland only removes a person's record from public view unlike other States. Other States have been moving forward and expanding their expungements laws to wipe their records clean and restore all of their constitutional rights so they can feel good about themselves again and go back to living a productive life. HB0073 is at least a small step in the right direction, so when you finish your entire sentence, it is removed from public view. Even if expunged, if your case was appealed and they wrote an opinion about it, it will remain in print online and books. Maybe Maryland will join other States and make an expungement of a record as if it never happened or existed as other States have done and so it restores all of your rights. Maryland on the other hand is doing the opposite and finding ways to block existing and future expungements. Receiving a probation violation can be motivated, depending on which probation officer you have, how you get along with them, if they were having a bad day because their car was stolen and they knew your conviction was for Stealing a car or had an argument with anyone prior to work. The point is there are hundreds of reasons that affect a person's mood that can and will influence their judgement and what they might do. This Argument is the same for a Judge presiding over your case during trial or at sentencing. A prosecutor has the same possibility to be motivated when they prosecute a case. Also the Prosecutors office should not allow a Prosecutor to specifically ask for a particular case. They may be prejudicial or motivated for many reasons, which can be personal or for unknown reasons. This happened to me and they never offered me a plea and went all out to prosecute me to the fullest extent of the law when most any other prosecutors would have offered a PBJ or Stet since they were nonviolent nor sexual related charges. Even a Police Officer who stops or arrests you has the same discretion of charging you or giving a warning and that may be motivated by unrelated reasons. Since each officer is different, it can and will affect someone's life just like each person connected with your prosecution. The first time I was arrested, it was for about 10 frivolous misdemeanors. Examples: Charged with carrying a loaded handgun. (I had a permit to carry in my wallet). Charged with carrying a concealed weapon. (This was a "bottle opener key chain the police removed from my keys) The State had the Maryland State subpoenaed about the gun charge but decided not to put them on the stand, so my attorney did and all they could say is I had a valid permit and that is what they said. As for the concealed weapon charge, the State Nolle prosequi it so we could not put our witness on the stand to testify that it was a bottle opener and he sold it to me. But the court allow my attorney to put some testimony on to show the prejudice of this trial. I had no prior record, owned a house and business in Maryland and have lived in Maryland most of my life. Since the police can influence a commissioner regarding your bail, they set my bail at \$500,000.00. At the next bond hearing, they changed it to No bond and days later to a \$20,000.00 cash bond. I believe the reason for that particular bond amount was they knew I had a little over \$24,000.00 with me when I was arrested. So I used it to bail myself out. (Also the reason I had a carry permit)

A few people related to the politician testified and one I am sure you all know lied I believe every time they opened their mouth. They also were caught each time and were impeached so much; it would have filled up a truck with peaches. They were like the Personness Tree because all the fruit it bared were lies. This was highly politically motivated. The two detectives testified that I confessed to everything voluntarily which was the first of many lies. One of them was working a secondary job as a security guard and his boss was an old client of mine and he told that officer that he knew me. Even said, I later learned that the detective told him that, they meaning the police, prosecutor and all their witnesses were going to say and do anything they can to convict me. Because of that this old client somehow got in touch with me or my attorney (which I do not recall who) and told us what this detective said to him and he came to court and testified to that. He told the jury, I did very good work for him and explained everything very good and he valued that like most all of my customers do. He said he had applied to be a police officer on Capitol Hill and said that detective wrote him a recommendation for that job but when the detective testified later, he denied writing it. In court the detectives were asked if they recorded, filmed, or had me sign a confession and the answer was no. They did admit they had a tape recorder, video camcorder and paper and pens in the station. I believe just about every police officer in Maryland testified and 99% of all of them were caught lying. There were no eye witnesses, no DNA, fingerprints, foot prints, security camera pictures or any physical evidence except a pair of plyers they said I threw in the trash before I was arrested in a sub shop. This became a big debate because they found them in a trash receptacle they admitted I was never near. They tried to say the restaurant must have emptied their trash before they searched for the plyers. The part the jury must have missed is that the officer who followed me into that restaurant who testified said, he was watching my hands very close because he knew I carried a gun and testified I never took my hands out of my pockets, "so how could I have thrown them in the trash?" I also want to add that I voluntarily surrendered my guns to the police. My attorney asked the court if I can have a gun dealer pick them up to sell for money for my defense and he denied that and I was not charged for anything to do with those guns and they were all legal. After the trial, the Jury found me guilty of one misdemeanor which they must have believed I threw the plyers away in spite of what the officer testified to. My sentence was one year but it was suspended and I believe five years' probation. I had the gun dealer pick up all my guns and sell them after trial. When he did pick them up all the gun cases were missing and they were all in expensive cases. I have seen the police steal several times now and there is nothing anyone can do about police thefts I learned.

This proves I have firsthand experience and knowledge of how corrupt and prejudicial the judicial system is and can be.

If a prosecutor requests your cases every time you are charged, it is prejudicial and more like persecution. The next prosecutor every time after that first case requested to prosecute in all cases involving me and never offered a plea unlike most and pushed for an enhanced sentences. That is not what Equal Justice Under Law is or means.

Inscribed above the entrance of the United States Supreme Court in Washington DC, is; "EQUAL JUSTICE UNDER LAW" On the East Side Entrance is inscribed "Justice the Guardian of Liberty." I had to go to the Supreme Court on business a few years ago to give them advice and pricing to change some equipment there. I also had some equipment installed at NSA about a year ago. I never had to go there but my wife has and can with her security credentials. I have been to Fort Meade with my wife since she can escort people with her badge. She does not discuss her work nor do I ask about it. She goes by the book period.



The Problem with these statements is, there is NO such thing as EQUAL JUSTICE UNDER LAW

Since there are so many hands and people in a case from the time you are arrested to the time you go to trial, many things can influence what happens to you and each one of them are different, Your chance of receiving Equal Justice can and will never happen. Just as each county and State are different.

Police Officers are not all the same. They have a great deal of Discretion to arrest someone or not as well and what they charge you with. Officers have different personalities, likes and dislikes. They can have good moods or bad. They may have had an argument with their Spouse before coming to work or have to work a shift they don't like. Their mood changes as much as any ones. It can change by the minute, hour or day.

States Attorneys also have a tremendous amount of Discretion and Power. Each one has different personalities. They also can be influenced by what has happened to them before work or the year before. Their Moods can also affect their day to day decisions. They have people's lives in their hands every day. It is up to each prosecutor to either offer them a plea bargain (PBJ) or Stet Docket the case for one year, or prosecute the case. They also have the ability to ask for a harsher sentence or a lesser sentence and have the power to dismiss a case before or after screening it or in front of a Judge. (The Takoma Torch) is a sad example I read about just yesterday.

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"The Court of Appeals said in Stoddard; just because the State wants to cram 20 charges into One Indictment does not make it a UNIT". If the charges happened on "different days", they are a different set of facts, and if this is noted in the Indictment and you were found Not Guilty or they offered you a Plea Bargain to plea to one of the charges and Nolle prosequi the remaining charges, you can ask to expunge the Units that were Nolle Prosequi or not guilty of in the other units within that Indictment. The part that is not written in the Unit Rule definition is a "different day" I asked dozens of attorneys if I could expunge convictions in my indictment and they said no. Since I won that motion, I have told many attorneys how to do this to help their clients and a legal clinic asked me to show their attorneys who volunteer at their clinics to help low income people how to do this. I did this to help others.

Let me give an example of an odd situation I encountered with the first judge I got when I filed for expungements based on Stoddard vs. Maryland. The Judge said, they are recusing themselves because they remember my name "from over 30 years ago" when they worked I believe in the clerical area on the first floor of the building. That left me speechless so to speak. If they cannot get over a 30 plus case, they have no business being a judge. I never saw them before nor did they tell me they remember me.

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If either one of these defendants were not offered a Plea and went to trial and were found guilty, they would be precluded from owning a firearm once they get out of jail or prison or finished their sentence. This is an everyday situation. It also happened to a relative of mine. They took a plea to reduce a violent felony to a nonviolent misdemeanor and no jail time but had some probation. They took the plea and after probation, he could still carry a firearm. So this is why most people that have nonviolent convictions should not be precluded or banned from owning a firearm. I have heard Martha Stewart as a good example to this argument, but she also has the money to have as many body guards as she wants.

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So, If Defendants that had felony charges and certain misdemeanors were never offered a plea bargain to reduce the charge to a nonviolent or minor misdemeanor, there would be thousands if not millions more people in Maryland banned from ever owning a firearm and more. How is this Equal Justice? Most of the ones who were not offered a plea like me to a minor misdemeanor or exercised their constitutional right to a jury trial who had the same or even lesser charges than I had can still own a firearm. All that shows is, it depends on who you are, what prosecutor you have, how much money you have to hire a good attorney and many other factors. That is not Equal Justice! With all the crime now days, you cannot depend on the police to protect you or your family in your own home. That is not only a harsher sentence but a life sentence. The only difference between the people that was offered a plea is they had a different prosecutor and they were having a great day. Does accepting a plea make them

any less dangerous from owing a gun than someone who exercised their constitutional right to a jury trial that had the identical charge or accepted a plea to a lesser charge so they can still own a firearm?

For the life of me, I do not see how exercising your constitutional right to a jury trial can prohibit you from another constitutional right (The Second Amendment) no matter if you are found guilty. Specially a nonviolent conviction.

I am years over retirement age, so these laws and rules do not affect me much anymore but I would like to see them changed for others. They need to lower the age for crimes committed by young kids. They get away with most anything now and will probably continue once an adult but what they are doing need to be stopped and you need to lower the ages. They are a lot smarter than when I was young. They probably know the laws much better and know there is nothing you can do to them until they become adult age.

I would like to move out of Maryland in a few years once my wife can retire. I have been advocating for more expungements, expanding them and better yet, once you complete your sentence it is over. And I have always supported the Second Amendment. That does not mean I support all the shootings and killing but it is not the guns manufactures fault or not having more laws. The fact is, most States as well as Maryland have too many laws. They have laws saying you cannot shoot people for no good reason and they have a retreat rule. You cannot possess a firearm if you are precluded from owing one and you can't rob banks or rob people with a gun or car jack etc. Really, what others laws do you need? I read where they want to be able to sue a gun manufacture if a gun they made is used to kill someone. That is absurd. They followed the law, they sold it to a licensed gun dealer and they followed the laws and the Maryland State Police approves the person. To me they should be suing MSP. They have the final say.

As I said before, I had a carry permit for about 10 years and I never took it out of my pocket even when I was attacked by someone I never saw before. All I was trying to do is keep the guy from scratching my eyes out and biting me which he did a few times and someone else called the police. My coat was ripped up and the officer saw I had a gun but I never pulled it out and used. I showed the officer my permit and he left. I learned he was a bartender at a Pub where I was walking by to the bank when he attacked. I knew the owner of the Pub and told him tell the guy to pay for my coat and that was it. I did not file charges. I rarely went to that pub and knew the owner because of my business. I don't smoke or drink so it was not a place I went. To this day, I have no idea why this guy jumped on me except he had been drinking.

Maryland expungements are not recognized by the F.B. I. like other States. Maryland seems to support low income housing, low income defense attorneys, health benefits, food and food stamps and many other benefits to low income people and illegal aliens residing in Maryland and using my tax dollars to fund this but won't help its legal citizens get back on their feet and live a normal and productive life again.

Thank You

Glenn Rosenberg

**Bill SUPPORT SENATE BILL ALL.pdf**

Uploaded by: Glenn Rosenberg

Position: FAV

HB0073 Allow Expungements –After the Completion of a Sentence

HB0523 Allow Expungement of Records Anytime for – Good Cause

HB0550 Allow Partial Expungement and repeal the UNIT RULE Similar to STODDARD vs. Maryland

<https://supreme.justia.com/cases/federal/us/395/711/> North Carolina vs Pierce

<https://caselaw.findlaw.com/court/md-court-of-appeals/1410566.html> Kevin Tremaine STODDARD

PEOPLE:

**I URGE ALL OF YOU to SUPPORT THESE HOUSE BILLS Above, For the Reasons Stated Below.**

This COSA Ruling is sending the wrong message and violates (NORTH CAROLINA v. PEARCE, 395 U.S. 711 (1969) regarding violations of probation. It also converts any conviction to a life sentence which is beyond what the Court can sentence you to or what the legislation intended. This COSA Ruling goes against all the efforts we have all been working towards and that is to give people a second chance, helping people get jobs and get curtail poverty and become productive citizens again.

The United States Supreme Court Ruled in 1969, North Carolina vs. Pearce that;

"You cannot receive a harsher sentence for exercising your Constitutional Right" It was bad enough to learn that a Maryland Expungement only meant to remove from Public View and that the F.B. I do not recognize Maryland Expungements as it does in other States. Because of this, you still have job limitations because of high security background checks and it does not restore your constitutional rights. Prosecutors I believe can and use expunged convictions against someone who was charged and convicted of a new crime. They can use "untried" bad acts to enhance your sentence you were never charged with or even questioned about at sentencing. There is a rule that prohibits the State from using 15 year old convictions if you receive a new charge to impeach you at the new trial, but if found guilty they can use it at sentencing. If they cannot use a 15 year old conviction at a trial, you should be able to have it expunged. This just proves that the State wants to keep people X cons and on poverty the rest of their life.

After reading this case about a violation of probation no matter how small/ technical it was or old it is will now prohibit everyone from ever expunging that conviction, I find it this being a Tragedy to Justice. When you violate probation, the Court can give you any part or your entire suspended sentence. With this NEW Ruling by the COSA, it prohibits you from ever expunging it which makes it a harsher sentence, which violates North Carolina vs Pierce, (1969) it also creates cloud of Double Jeopardy. Whether the court gives you part or all of your suspended sentence and you do it, you paid for the violation. Why keep punishing someone more after they paid their debt. It's like being kicked repeatedly even though you are already down. I have never read any laws that relate to probation violations or ever heard of any in 40 years that I have been reading case law. This probation violation issue has never been mentioned. If you receive a probation violation, you will never be able to expunge a conviction? They may as well go back to 2017 how it was before they expanded expungements and repeal 10-110.

I cannot say everyone is alike, but I perceive many people with a conviction on their record that can't expunge it now or ever may say to themselves, if they won't let me be normal again and live a normal

life, why should I care if I get another conviction etc. on my record. They have to eat and get money for their family if they have one or a place to sleep if it is only them. If they can't get a good paying job, a loan for a car or house, what incentive do they have not to commit more crimes? I spoke to many people in prison and they told me if they need something and don't have the money, they will take it. I believe this particular person had been in the system many times and was there for robbing a store or bank.

This COSA ruling had to be the idea and motivated by the State Prosecutors office in Maryland. Ever since 2017, when they expanded expungements, which was long overdue, the prosecutor's office in Maryland has been trying to block all forms of expungements for any reason even though all expungements in Maryland only removes a person's record from public view unlike other States. Other States have been moving forward and expanding their expungements laws to wipe their records clean and restore all of their constitutional rights so they can feel good about themselves again and go back to living a productive life. HB0073 is at least a small step in the right direction, so when you finish your entire sentence, it is removed from public view. Even if expunged, if your case was appealed and they wrote an opinion about it, it will remain in print online and books. Maybe Maryland will join other States and make an expungement of a record as if it never happened or existed as other States have done and so it restores all of your rights. Maryland on the other hand is doing the opposite and finding ways to block existing and future expungements. Receiving a probation violation can be motivated, depending on which probation officer you have, how you get along with them, if they were having a bad day because their car was stolen and they knew your conviction was for Stealing a car or had an argument with anyone prior to work. The point is there are hundreds of reasons that affect a person's mood that can and will influence their judgement and what they might do. This Argument is the same for a Judge presiding over your case during trial or at sentencing. A prosecutor has the same possibility to be motivated when they prosecute a case. Also the Prosecutors office should not allow a Prosecutor to specifically ask for a particular case. They may be prejudicial or motivated for many reasons, which can be personal or for unknown reasons. This happened to me and they never offered me a plea and went all out to prosecute me to the fullest extent of the law when most any other prosecutors would have offered a PBJ or Stet since they were nonviolent nor sexual related charges. Even a Police Officer who stops or arrests you has the same discretion of charging you or giving a warning and that may be motivated by unrelated reasons. Since each officer is different, it can and will affect someone's life just like each person connected with your prosecution. The first time I was arrested, it was for about 10 frivolous misdemeanors. Examples: Charged with carrying a loaded handgun. (I had a permit to carry in my wallet). Charged with carrying a concealed weapon. (This was a "bottle opener key chain the police removed from my keys) The State had the Maryland State subpoenaed about the gun charge but decided not to put them on the stand, so my attorney did and all they could say is I had a valid permit and that is what they said. As for the concealed weapon charge, the State Nolle prosequi it so we could not put our witness on the stand to testify that it was a bottle opener and he sold it to me. But the court allow my attorney to put some testimony on to show the prejudice of this trial. I had no prior record, owned a house and business in Maryland and have lived in Maryland most of my life. Since the police can influence a commissioner regarding your bail, they set my bail at \$500,000.00. At the next bond hearing, they changed it to No bond and days later to a \$20,000.00 cash bond. I believe the reason for that particular bond amount was they knew I had a little over \$24,000.00 with me when I was arrested. So I used it to bail myself out. (Also the reason I had a carry permit)

A few people related to the politician testified and one I am sure you all know lied I believe every time they opened their mouth. They also were caught each time and were impeached so much; it would have filled up a truck with peaches. They were like the Personness Tree because all the fruit it bared were lies. This was highly politically motivated. The two detectives testified that I confessed to everything voluntarily which was the first of many lies. One of them was working a secondary job as a security guard and his boss was an old client of mine and he told that officer that he knew me. Even said, I later learned that the detective told him that, they meaning the police, prosecutor and all their witnesses were going to say and do anything they can to convict me. Because of that this old client somehow got in touch with me or my attorney (which I do not recall who) and told us what this detective said to him and he came to court and testified to that. He told the jury, I did very good work for him and explained everything very good and he valued that like most all of my customers do. He said he had applied to be a police officer on Capitol Hill and said that detective wrote him a recommendation for that job but when the detective testified later, he denied writing it. In court the detectives were asked if they recorded, filmed, or had me sign a confession and the answer was no. They did admit they had a tape recorder, video camcorder and paper and pens in the station. I believe just about every police officer in Maryland testified and 99% of all of them were caught lying. There were no eye witnesses, no DNA, fingerprints, foot prints, security camera pictures or any physical evidence except a pair of plyers they said I threw in the trash before I was arrested in a sub shop. This became a big debate because they found them in a trash receptacle they admitted I was never near. They tried to say the restaurant must have emptied their trash before they searched for the plyers. The part the jury must have missed is that the officer who followed me into that restaurant who testified said, he was watching my hands very close because he knew I carried a gun and testified I never took my hands out of my pockets, "so how could I have thrown them in the trash?" I also want to add that I voluntarily surrendered my guns to the police. My attorney asked the court if I can have a gun dealer pick them up to sell for money for my defense and he denied that and I was not charged for anything to do with those guns and they were all legal. After the trial, the Jury found me guilty of one misdemeanor which they must have believed I threw the plyers away in spite of what the officer testified to. My sentence was one year but it was suspended and I believe five years' probation. I had the gun dealer pick up all my guns and sell them after trial. When he did pick them up all the gun cases were missing and they were all in expensive cases. I have seen the police steal several times now and there is nothing anyone can do about police thefts I learned.

This proves I have firsthand experience and knowledge of how corrupt and prejudicial the judicial system is and can be.

If a prosecutor requests your cases every time you are charged, it is prejudicial and more like persecution. The next prosecutor every time after that first case requested to prosecute in all cases involving me and never offered a plea unlike most and pushed for an enhanced sentences. That is not what Equal Justice Under Law is or means.

Inscribed above the entrance of the United States Supreme Court in Washington DC, is; "EQUAL JUSTICE UNDER LAW" On the East Side Entrance is inscribed "Justice the Guardian of Liberty." I had to go to the Supreme Court on business a few years ago to give them advice and pricing to change some equipment there. I also had some equipment installed at NSA about a year ago. I never had to go there but my wife has and can with her security credentials. I have been to Fort Meade with my wife since she can escort people with her badge. She does not discuss her work nor do I ask about it. She goes by the book period.



The Problem with these statements is, there is NO such thing as EQUAL JUSTICE UNDER LAW

Since there are so many hands and people in a case from the time you are arrested to the time you go to trial, many things can influence what happens to you and each one of them are different, Your chance of receiving Equal Justice can and will never happen. Just as each county and State are different.

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If either one of these defendants were not offered a Plea and went to trial and were found guilty, they would be precluded from owning a firearm once they get out of jail or prison or finished their sentence. This is an everyday situation. It also happened to a relative of mine. They took a plea to reduce a violent felony to a nonviolent misdemeanor and no jail time but had some probation. They took the plea and after probation, he could still carry a firearm. So this is why most people that have nonviolent convictions should not be precluded or banned from owning a firearm. I have heard Martha Stewart as a good example to this argument, but she also has the money to have as many body guards as she wants.

If they exercised their Constitutional Right to a jury trial and were found guilty it would have banned them from their Constitutional Right to bear arms.

So, If Defendants that had felony charges and certain misdemeanors were never offered a plea bargain to reduce the charge to a nonviolent or minor misdemeanor, there would be thousands if not millions more people in Maryland banned from ever owning a firearm and more. How is this Equal Justice? Most of the ones who were not offered a plea like me to a minor misdemeanor or exercised their constitutional right to a jury trial who had the same or even lesser charges than I had can still own a firearm. All that shows is, it depends on who you are, what prosecutor you have, how much money you have to hire a good attorney and many other factors. That is not Equal Justice! With all the crime now days, you cannot depend on the police to protect you or your family in your own home. That is not only a harsher sentence but a life sentence. The only difference between the people that was offered a plea is they had a different prosecutor and they were having a great day. Does accepting a plea make them

any less dangerous from owing a gun than someone who exercised their constitutional right to a jury trial that had the identical charge or accepted a plea to a lesser charge so they can still own a firearm?

For the life of me, I do not see how exercising your constitutional right to a jury trial can prohibit you from another constitutional right (The Second Amendment) no matter if you are found guilty. Specially a nonviolent conviction.

I am years over retirement age, so these laws and rules do not affect me much anymore but I would like to see them changed for others. They need to lower the age for crimes committed by young kids. They get away with most anything now and will probably continue once an adult but what they are doing need to be stopped and you need to lower the ages. They are a lot smarter than when I was young. They probably know the laws much better and know there is nothing you can do to them until they become adult age.

I would like to move out of Maryland in a few years once my wife can retire. I have been advocating for more expungements, expanding them and better yet, once you complete your sentence it is over. And I have always supported the Second Amendment. That does not mean I support all the shootings and killing but it is not the guns manufactures fault or not having more laws. The fact is, most States as well as Maryland have too many laws. They have laws saying you cannot shoot people for no good reason and they have a retreat rule. You cannot possess a firearm if you are precluded from owing one and you can't rob banks or rob people with a gun or car jack etc. Really, what others laws do you need? I read where they want to be able to sue a gun manufacture if a gun they made is used to kill someone. That is absurd. They followed the law, they sold it to a licensed gun dealer and they followed the laws and the Maryland State Police approves the person. To me they should be suing MSP. They have the final say.

As I said before, I had a carry permit for about 10 years and I never took it out of my pocket even when I was attacked by someone I never saw before. All I was trying to do is keep the guy from scratching my eyes out and biting me which he did a few times and someone else called the police. My coat was ripped up and the officer saw I had a gun but I never pulled it out and used. I showed the officer my permit and he left. I learned he was a bartender at a Pub where I was walking by to the bank when he attacked. I knew the owner of the Pub and told him tell the guy to pay for my coat and that was it. I did not file charges. I rarely went to that pub and knew the owner because of my business. I don't smoke or drink so it was not a place I went. To this day, I have no idea why this guy jumped on me except he had been drinking.

Maryland expungements are not recognized by the F.B. I. like other States. Maryland seems to support low income housing, low income defense attorneys, health benefits, food and food stamps and many other benefits to low income people and illegal aliens residing in Maryland and using my tax dollars to fund this but won't help its legal citizens get back on their feet and live a normal and productive life again.

Thank You

Glenn Rosenberg

**Cares Act HB0073\_SB0454\_FAV.pdf**

Uploaded by: Glenn Rosenberg

Position: FAV

## TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73

### **Criminal Procedure - Expungement - Completion of Sentence**

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee

FROM: Glenn Rosenberg

**[Glenn Rosenberg/ Cares Act to help others]**

**[Glenn Rosenberg]** support(s) Senate Bill 454/ House Bill 73 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

This Bill Says it all; this would help All Marylanders Live a Normal Life Again.

The COSA Ruling about any probation violation that any conviction that had a violation of probation would (never) be eligible for expungement. Now they are adding another person that can change your life forever. I find it extremely hard to believe that they interpreted unsatisfactory for a probation violation to mean never eligible for expungement. Is there any other State in the USA that has this rule? It seems like we are living in a communist country. If they violate a person and give him time in jail and he completes that that should be the end of it. I have no idea what the COSA is thinking. This is one reason we have so much crime in Maryland and it seems it is starting with kids. This has nothing to do with the present gun laws. We can't even enforce the ones we have now. They do this because they know they can get away with it and being under age there is very little that can be done to them if anything at all. Kids are learning faster and have access to more information than they did when I was a kid. Most of the older people that get out of jail or prison are not carjacking and shooting as much as the young kids. It is wrong to make a law like this retroactive when the judges nor the probation officers had no idea this would happen. It has always been the court that gave a sentence and to add to it, is unconstitutional. *North Carolina vs. Pierce* (1969) there is no doubt it makes it a harsher sentence than the court can give.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not "satisfactorily completed the sentence" (regardless of the nature of the violation). Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting's in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the *Abhishek* ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at "the **time when a sentence has expired**, including any period of probation, parole, or mandatory

supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society. For these reasons, **we urge a favorable report.**

**Cares Act HB0523.pdf**

Uploaded by: Glenn Rosenberg

Position: FAV



**TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:**

**Criminal Procedure – HB0523 Expungement of Records – Good Cause**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Glenn Rosenberg**

**Glenn Rosenberg: Cares Act for Maryland; Vote Favorable for Better, Easier and faster Expungements**

**Good Cause Expungement: Puts this decision back in the hands of the Courts to decide;** too reduce incarceration's impact and enhance employment opportunities for lower-income workers and job seekers throughout the state. I believe that having a record is preventing many people from being hired and forcing many people to commit crimes. I am pro Second Amendment, but have not been able to own a firearm in 40 years. It is not that I could not get a firearm like everyone seems to be doing, It's just that it is not worth going to jail to me. My wife has a Top Security Clearance with a Federal Intelligence Agency. She can't own a firearm because of me. She asked me years ago to teach her how to use one but I told her I can't and why. My convictions are non-violent or sexual related. For many years I collected guns, and went shooting a couple times a year but never hunted. I had a permit for about 10 years to carry a gun in Maryland and I also collected class three machine guns. I never had any problems with owning firearms or had any trouble because of firearms. I am hoping the Supreme Court alters the Second Amendment restrictions on owning a firearm and let be determined by the Dangerousness Rule and not group all people with convictions together. It has gotten to be highly prejudicial like saying all Jews or Blacks, or any other race or group of people.

Unlike most people with a conviction: I worked for myself prior to and after dealing with the Courts. I have not worked much in the past 25 years but am financially fine. I have attached another page that cites cases that support these Bills, and gives details of why Maryland needs to change for the better and vote favorably

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. [Over 60 percent of formerly incarcerated persons remain unemployed one year after release.](#) This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, **most charges (~93%) are not eligible for expungement**, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other

charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. I cited *Stoddard v. State*, 911 A. 2d 1245 - Md: Court of Appeals 2006 in my attachment. It shows that in many circumstances that even with the Unit Rule, it is possible to do a partial expungement. I know since I am probably the first person who did one since this case went to the COA in 2006. When the UNIT Rule was brought up before, they said it would be too hard and costly to separate all the charges. When I did mine, the Judge took care of what needed to be done.. Being the same as *Stoddard*, I see no reason Not to repeal the UNIT RULE. The COA stated in *STODDARD*, Just because the STATE crams 20 charges into one Indictment, does not make it a UNIT. Lastly, suppose an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later. I have I believe three convictions on my record and two are on the expungement list but the subsequent conviction rule prevents me from expunging those two since they are before the other two.

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. Glenn Rosenberg fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report.

I would like to add: When they expanded expungements in about 2017, if you asked any attorney that once your conviction was expunged, would you get your constitutional rights restored and they all said Yes. Come to find out, this was all a lie so to speak. I learned a year or so ago that the F. B. I will not recognize expungements in Maryland like in other States because they retain the records. The Expungement definition is written very ambiguous. One part says to remove from public view and put in a locked location that can only be viewed with a court order. It also says to be destroyed by obliteration. That is not even close in meaning.

**Cares Act UnitRuleRepeal\_FAV HB550.pdf**

Uploaded by: Glenn Rosenberg

Position: FAV

## TESTIMONY IN SUPPORT OF SENATE BILL 11/ HOUSE BILL 550

### **Criminal Procedure - Partial Expungement**

TO: Members of the House Judiciary and Senate Judicial Proceedings Committees

FROM: Glenn Rosenberg]

**[Glenn Rosenberg Cares Act ]**

**[I Glenn Rosenberg]** support(s) Senate Bill 11/ House Bill 550 to repeal the “Unit Rule,” which has stood as a permanent roadblock to criminal record expungement.

First of all, let me correctly explain the definition of the Unit Rule. It says; charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges but what it leaves out is what makes it a Unit and this is what most people missed. It still means a case with the same of fact but they all had to happen on the same day to be the same set of fact. If the State decides to Cram 20 counts/charges into one Indictment which happened on different days, each day is a different Unit. So if the State lists a different day each charge was on in the indictment, they are separate Units. So if you have 20 counts and each count was on a different day and they offer you a deal to plea to one count and Nolle the rest, once you accept the plea, you can have the other Units expunged.

Kevin Tremaine STODDARD v. STATE (2006) Partial Expungement

The only reason I heard that they did not want to repeal the Unit Rule was because it would be to time consuming and expensive to separate/ blacken out all the information that needs to be expunged. The simple way to do this is to seal the case. It is not expunging the other counts but removing it from public view. The State still has access to it like they want. This was the States fault for cramming them all together to either force someone into a plea like they do all the time even if it only is one Unit. It is a common practice even though it is not fair to defendants. They get a conviction which is all they wanted in most cases.

What I feel to be misconduct is when they give immunity to someone to testify against a codefendant or someone else involved. What I learned is as long as they get the person they want and this other person will testify against them because of having immunity, they do not care even if that person who is working for them is lying or not. Unfortunately that is very true.

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 record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. This is mainly because more than [85% of employers perform background checks on all their job applicants](#) and deny employment to many returning citizens based on a record. A past criminal conviction of any sort reduces job offers by half. Thus, the ability to expunge a criminal record is vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

Under current Maryland law [Criminal Procedure §10–107](#), See **STODDARD (2006) COA Case above: to understand what a Unit is**: charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’. If a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. Even if the charges resulted in acquittals, dismissals, or nolle prosequi (i.e. “not guilty” verdicts), they would still be available via the Criminal Justice Information System (CJIS) and the Central Repository hosted within the Department of Public Safety and Correctional Services. If a potential employer, institution of higher education, department of licensure, or housing provider seeks to do a fingerprint background check, the full record (including non-convictions) within a unit would become available to them. Most individuals seeking background checks can not accurately distinguish between a conviction and a non-conviction, let alone understand the circumstances that led to a “guilty” verdict in the first place.

Senate Bill 11/ House Bill 550 addresses the challenges associated with the ‘unit rule’ by providing for the ‘partial expungement’ of eligible charges within a unit of charges. We fully support efforts to remove barriers to employment, education, housing, and more for Marylanders saddled with arrests and overcharging. For these reasons, we respectfully urge a favorable report.

I would like to add that a subsequent conviction should not bar an expungement. Just another road block to help people live a normal life and feel good about themselves again!

**Good Cause\_FAV\_HaroldColeman.docx.pdf**

Uploaded by: Harold Coleman

Position: FAV



## **TESTIMONY IN SUPPORT OF GOOD CAUSE**

### **Criminal Procedure - Expungement - GOOD CAUSE**

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Harold Coleman

Greetings Committee Members,

My name is Harold Coleman, I am a resident of District 10. I support Good Cause Expungement to allow expungements after someone like myself has served their time but has a probation violation.

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation).

This impacts me because I have violations from 1988 and 1997, after I served over 10 years. My violations were for failing a urinalysis test when I was sentenced to two-year probation for a car theft. I also was homeless for some time in my younger years and was placed on five-year probation for a 4th-degree burglary because I was arrested for sleeping on private property. I received a violation during this probation because I defended myself in a fight and received a second-degree assault charge.

As you can see, violations vary by individual and cause, and preventing expungements purely on the basis is unwise. My life was never easy, but I’ve been working for MDOT for 15 years at the Bay Bridge and have come to Annapolis on many occasions to testify on criminal record expungement bills so that people with my similar history can move on from their pasts and obtain relief.

I have served my time and do not believe that my violations in the 80s and 90s should bar me from getting my record expunged in 2024. Please move favorably on this bill.

**SB 1030 CCJR FAV.pdf**

Uploaded by: Heather Warnken

Position: FAV





**TESTIMONY IN SUPPORT OF SENATE BILL 1030**

**Criminal Procedure – Expungement of Records – Good Cause**

**TO:** Members of the Senate Judicial Proceedings Committee

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

**DATE:** March 4, 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. The Center supports Senate Bill 1030.

A number of current Maryland laws, in combination, as well as other practical barriers, prevent Marylanders from accessing the expungement opportunities needed to successfully reintegrate into society. First, most charges (~93%) are *not* eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Second, the “Unit Rule” prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit.<sup>1</sup> This rule prevents charges that would be otherwise eligible for expungement from actually being expunged. Third, when an individual receives a parole or probation violation, however minor, or receives a subsequent conviction during the waiting period, the original charge becomes permanently barred from expungement even decades later.

Senate Bill 1030 provides the opportunity for relief that can overcome these barriers and bring this determination back to what actually matters most: rehabilitation. It would provide the courts with the authority to grant a petition for expungement at any time on a showing of *good cause*. A good cause provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions. Senate Bill 1030 will expand this important tool for good cause expungement opportunities to include certain misdemeanor and felony convictions.

**I. Expanding expungement opportunities through Senate Bill 1030 will reduce the substantial collateral consequences associated with having a criminal record.**

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<sup>1</sup> Under current Maryland Criminal Procedure §10–107, charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges.’ Under current law, if a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charge within the unit.

A criminal record can be both the cause and consequence of poverty. It has detrimental effects on the employment, housing, and educational prospects for the estimated 25% of working-age Marylanders with a criminal record.<sup>2</sup> 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. These consequences compound. For example, of those who are able to obtain jobs, research indicates that in the first few months, formerly incarcerated people earn just 53% of the median U.S. worker's wage.<sup>3</sup>

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.<sup>4</sup>

Background checks are being used increasingly for non-criminal justice purposes.<sup>5</sup> More than 92% of employers perform background checks for job applicants<sup>6</sup> and deny employment to many returning citizens based on a criminal record. If a potential employer, institution of higher education, department of licensure, or housing provider obtains a fingerprint background check, a person's full record (including non-convictions) within a unit would become available to them. Most individuals seeking background checks cannot accurately distinguish between a conviction and a non-conviction—let alone understand the circumstances that led to a “guilty” verdict in the first place.

Unsurprisingly, expungement recipients exhibit much better employment outcomes.<sup>7</sup> Thus, expanding expungement opportunities is vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

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<sup>2</sup> 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](https://drive.google.com/file/d/1hUGVpwIl6Z_GN4KOK6gV1eNkiyYbjbJI/view).

<sup>3</sup> *New Data on formerly Incarcerated People's employment reveal labor market injustices*. Prison Policy Initiative, <https://www.prisonpolicy.org/blog/2022/02/08/employment/>.

<sup>4</sup> Colleen Chien, *America's Paper Prisons: The Second Chance Gap*, 119 Mich. L. Rev. 519, 554 (2020) (“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.’”)

<sup>5</sup> Becki Goggins, *New Blog Series Takes Closer Look at Findings of SEARCH/BJIS 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%.”)

<sup>6</sup> 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)..)

<sup>7</sup> J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2528 (2020).

## II. Senate Bill 1030 will make our communities safer.

Expanding actual relief for individuals who have demonstrated their rehabilitation to the court does not pose a public safety risk; to the contrary, it will promote public safety. 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.<sup>8</sup> There is no empirical evidence that expungement undermines public safety.<sup>9</sup> Therefore, any purported safety risks from Senate Bill 1030's opponents are misplaced.

Beyond the absence of a public safety risk, Senate Bill 1030 holds the potential to affirmatively promote public safety and reduce crime. There is ample research that demonstrates the criminogenic effects associated with the collateral consequences of having a criminal record.<sup>10</sup> It follows that alleviating the burden of these collateral consequences would reduce illegal behavior among expungement recipients and promote the human dignity and meaningful societal participation that help any of us succeed.

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 Senate Bill 1030.

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<sup>8</sup> *Id.* at 2512–14.

<sup>9</sup> Sonja B. Starr, "Expungement Reform in Arizona: The Empirical Case for a Clean Slate," 52 *Arizona State Law Journal* 1059, 1076 (2020).

<sup>10</sup> J.J. Prescott & Sonja B. Starr, *The Power of a Clean Slate*, <https://www.cato.org/regulation/summer-2020/power-clean-slate>.

# **Good Cause Expungement.pdf**

Uploaded by: Holly Powell

Position: FAV

## TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:

### **Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Holly Powell, LCSW-C**

**Holly Powell** support(s) **Good Cause Expungement** to reduce incarceration's impact and enhance employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. [Over 60 percent of formerly incarcerated persons remain unemployed one year after release](#). This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, **most charges (~93%) are not eligible for expungement**, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. Lastly, suppose an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later.

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. **Holly Powell** fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, I respectfully urge a favorable report.

# **SB 1030 Expungement of Records for Good Cause**

Uploaded by: Jacob Martz

Position: FAV

SB 1030/HB 0523 "Expungement of Records for Good Cause" Testimony  
March 5, 2024 at 1:00 p.m.

Chairman, Vice Chairman and Members of the Committee:

Thank you very much, I appreciate the opportunity to provide testimony on this important issue. My name is Jacob Martz, I am the Vice Mayor of Sharpsburg, Maryland, and though I am not providing this testimony in that capacity today I would like to convey my strongest support and endorsement for this bill, which would authorize an expungement after a showing of good cause.

This is an issue that transcends political boundaries, and despite what some may think, this is not reflection of whether or not you are tough on crime, or about punishing criminals, because crime prevention is not in the scope of what this legislation provides for. What it does provide for is the creation of a discretion-based framework for relief from the long-term effects of a conviction, which is predicated on a case-by-case assessment by a competent legal authority that does not in any way compromise safety or undermine the objectives of our judicial process.

I have a degree in Cybersecurity. The way that we ensure the integrity of a system is through risk assessments to identify and eliminate vulnerabilities before they become an issue. This bill would provide for exactly the type of risk-based assessment that is commonplace in almost any industry, and ensure that those safeguards are in place to prevent the creation of a loophole that would allow dangerous offenders to slip through the cracks, while still providing an avenue for those deserving of it to receive an expungement.

I mentioned earlier that I have a degree in cybersecurity, however the misdemeanor I have on my record from when I was 21 years old, to this day, over two

decades later, still prevents me from obtaining a job in that field; and there are many people out there with similar stories who have more than paid whatever debt they owe to society.

We have to remember - and this is especially true in the case of misdemeanors and records for offenses that are decades old - that not everyone who has a criminal record is truly a criminal or a bad person, nor is every offense an inherently evil act, and those are the people who would benefit from this, not repeat violent felons who pose a threat to society.

For many, this would be a pathway to redemption and an incentive for success that brings the process of reform and justice full circle to a conclusion in a fashion that benefits everyone. Its just common sense, and it's the right thing to do.

Again, I strongly support this legislation, and highly recommend that this esteemed committee issue a favorable report.

Thank you very much for your time.

Regards,

Jacob Martz  
Vice Mayor  
Sharpsburg, MD



**SB 1030 LBH & CFH combined testimony.pdf**

Uploaded by: Jennifer Witten

Position: FAV



Date: March 5, 2024

To: Chair Smith, Vice Chair Waldstreicher and the Judicial Proceedings Committee

Reference: Senate Bill 1030 – Criminal Procedure – Expungement of Records – Good Cause

Position: FAVORABLE

Dear Chair Smith and Committee Members:

On behalf of LifeBridge Health’s regional health system and our Center for Hope, we thank you for this opportunity to provide information on Senate Bill 1030. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. At LifeBridge Health, we recognize the devastating impact of violence in our communities, and the growing number of victims of all ages. This is a public health issue and we need to help our communities by partnering with the people in them, to break the cycle of violence. We need to partner alongside community leaders, stand shoulder to shoulder with parents and caregivers, and help provide survivors of violence and crime with support and healing, in order to grow a collective hope for a better city and a better world.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the <sup>1</sup>[estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. <sup>2</sup>[Over 60 percent of formerly incarcerated persons remain unemployed](#) one year after release. This is mainly because more than <sup>3</sup>[85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are *not* eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the <sup>4</sup>[“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. For example, if an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later.

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<sup>1</sup> [https://drive.google.com/file/d/1hUGVpwl6Z\\_GN4KOK6gV1eNkiyYbjbJI/view](https://drive.google.com/file/d/1hUGVpwl6Z_GN4KOK6gV1eNkiyYbjbJI/view)

<sup>2</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>3</sup> [https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20the%20Society,cycle%20\(see%20chart%20below\).](https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20the%20Society,cycle%20(see%20chart%20below).)

<sup>4</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107&enactments=False&archived=False>

**CARE BRAVELY**

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as <sup>5</sup>[one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in <sup>6</sup>[Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. Center for Hope fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland.

For all the above stated reasons, we request a FAVORABLE report for Senate Bill 1030.

For more information, please contact:

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<sup>5</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

<sup>6</sup> [https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp&section=10-105&enactments=False&archived=False#:~:text=%C2%A0\(9\)%C2%A0%C2%A0%C2%A0%C2%A0A%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.](https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp&section=10-105&enactments=False&archived=False#:~:text=%C2%A0(9)%C2%A0%C2%A0%C2%A0%C2%A0A%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.)

# **HPP SB 1030 Testimony- FAV.pdf**

Uploaded by: Jessica Emerson

Position: FAV

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 1030  
**TITLE:** Criminal Procedure – Expungement of Records – Good Cause  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** March 5, 2023  
**POSITION:** **FAVORABLE**

Senate Bill 1030 would allow a court to grant a petition for expungement of the convictions listed in Maryland Criminal Procedure Article §10-110 at any time for good cause. [The Human Trafficking Prevention Project](#) supports this bill because it will allow Marylanders to petition for expedited criminal record relief when an appropriate case presents itself, and will allow individuals, including survivors of human trafficking, to access opportunities to better their lives.

Maryland has drastically longer expungement waiting periods than most other states in the nation, which creates major obstacles for any Marylander hoping to petition for relief,<sup>1</sup> including criminalized survivors of trafficking. Longer waiting periods have historically reflected the belief that individuals should only be eligible for expungement after successfully showcasing their rehabilitation through a period of crime-free behavior.<sup>2</sup> However, many states have since shortened waiting periods in recognition of the inverse, which is that record clearing actually plays a constructive role in facilitating the crime-free rehabilitation most expungement statutes require,<sup>3</sup> and that lengthy waiting periods may actually contribute to recidivism rather than discourage it.<sup>4</sup>

In an effort to mitigate the harm of these lengthy waiting periods, Maryland has a “good cause” provision built into §10-105(c)(9) of the Criminal Procedure Article, which courts have interpreted as “granting [them] the discretion to relieve a petitioner of the time requirement” set forth within the statute.<sup>5</sup> Maryland’s case law is consistent with the General Assembly’s stated intent for passage of the good cause amendment in 1988, which is “to provide the court with some discretion to grant an earlier expungement in appropriate cases.”<sup>6</sup> However, this provision applies only to the section of Maryland’s expungement law allowing for the expungement of non-convictions. SB 1030 would extend the availability of this ameliorative provision to expungements filed under MD Criminal Procedure §10-110, which applies primarily to convictions for minor misdemeanors.<sup>7</sup>

It is important to note that criminal records are both a predictor and the result of exposure to human trafficking, and, as a result, accessing relief under Maryland’s expungement law is crucial to the ability of survivors to heal. Data obtained from a national survey of both sex and labor trafficking survivors shows 91% of survivors reporting having been arrested at some point in their lives, with over 50% of those survivors stating that every single arrest

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<sup>1</sup> Margaret Love & David Schlusell, *Waiting for Relief, A National Survey of Waiting Periods for Record Clearing*, Collateral Consequences Resource Center, 1-5 (2022) (showing 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regards to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma).

<sup>2</sup> Brian M. Murray, *Retributive Expungement*, 169 U. Pa. L. Rev. 665, 683 (2021), [https://www.pennlawreview.com/wp-content/uploads/2021/05/Murray\\_Final.pdf](https://www.pennlawreview.com/wp-content/uploads/2021/05/Murray_Final.pdf).

<sup>3</sup> J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 Harvard L. Rev. 2460, 2479 (2020), <https://harvardlawreview.org/2020/06/expungement-of-criminal-convictions-an-empirical-study/>.

<sup>4</sup> *Research on Recidivism and Employment*, Nat’l Inst. Of Justice, <http://www.nij.gov/topics/corrections/reentry/pages/employment.aspx>.

<sup>5</sup> *In re Expungement Petition of Meagan H.*, No. 1397, Sept. term, 2021, 2022 WL 3153968, at \*5 (Md. Ct. Spec. App. Aug 8 2022).

<sup>6</sup> *Id.* at 4 (quoting *Stoddard v. State*, 396 Md. 653, 664 (2006)).

<sup>7</sup> Michael Dresser, *Hogan Signs Bill to Overhaul Maryland Criminal Justice System* (May 19, 2016) (Describing the 2016 passage of the Justice Reinvestment Act which expanded the list of convictions that may be expunged from an individual’s record to include “misdemeanors related to theft and drug possession, a change which was intended “to make it easier for former offenders to qualify for jobs, housing and education.”)

on their record was a direct result of their trafficking experience. Of the 24.6% of respondents who reported they had cleared or begun to clear their records, all reported it was a long and painful process.

After escaping a trafficking experience, survivors commonly express wanting to leave their experiences behind them and the need to provide better lives for themselves.<sup>8</sup> This often involves finding a safe place to live, accessing programs that provide mental health services, and developing improved life skills.<sup>9</sup> However, the economic stability provided by access to employment is of crucial importance to survivors.<sup>10</sup> Given that employers routinely conduct criminal background checks on job candidates<sup>11</sup> and that the job market has trended towards requiring professional licenses, especially when the job includes providing assistance to vulnerable populations like nursing,<sup>12</sup> it is essential that any state-based remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent survivors from moving forward with their lives.

With the expanded access to the good cause expungement provision provided in SB 1030, human trafficking survivors can petition the court to expedite the start of their new lives. For these reasons, the Human Trafficking Prevention Project supports Senate Bill 1030, and respectfully urges a favorable report.

***The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers, survivors of human trafficking, and those populations put at highest risk of exploitation through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.***

***For more information, please contact:  
Jessica Emerson, LMSW, Esq.  
Director, Human Trafficking Prevention Project  
(E): jemerson@ubalt.edu***

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<sup>8</sup> Jeanette Hussemann, et al., *Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors*, U.S. Department of Justice Office of Justice Programs (Apr. 2018), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/bending-towards-justice-perceptions-justice-among-human-trafficking>, (noting that survivors perceived justice as intimately related to their sense of autonomy, self-efficacy, and empowerment).

<sup>9</sup> Rajaram, *supra* note 5 at 194.

<sup>10</sup> Rajaram, *supra* note 5 at 195.

<sup>11</sup> Cameron Kimble & Ames Grawert, *Collateral Consequences and the Enduring Nature of Punishment*, Brennan Center for Justice (Jun. 2021), <https://www.brennancenter.org/our-work/analysis-opinion/collateral-consequences-and-enduring-nature-punishment> (reporting that, as of 2018, 80 percent of employers conduct background screening on candidates for full-time positions).

<sup>12</sup> *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. Commission on Civil Rights 1, 49 (June 2019), <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf> (citing that about 30 percent of U.S. workers now need licenses, which is a five-fold increase since the 1950's); *see also*, *FAQs Criminal History Record Checks*, Maryland Board of Nursing (last visited Jan. 31, 2023), <https://mbon.maryland.gov/Documents/FAQs%20CHRC%2012.16.pdf> (noting that Maryland requires criminal history checks for all RN, LPN, and CNA applicants).

# **SB1030 Testimony.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
Annapolis, Maryland 21401

**Testimony of Senator Jill P. Carter**  
**In Favor of SB1030 - Criminal Procedure - Expungement of Records -**  
**Good Cause**  
**Before the Judicial Proceedings Committee**  
**On March 5<sup>th</sup> 2024**

**Mr. Chairman, Vice Chair, and Members of the Committee:**

**Senate Bill 1030 allows for the courts to grant expungements for certain convictions upon showing good cause, as well as specifying the criteria under which an expungement for good cause would be allowed.**

**A criminal record can be a considerable impediment to future goals for those formerly incarcerated. A criminal record can significantly erode one's ability to secure employment, housing, or to pursue higher education. According to the Job Opportunities Task Force (JOTF), 25% of our state population has a criminal record. In addition, approximately 15,000 Marylanders are released from prisons each year, and struggle to find a job or to secure housing, as up to 60% of formerly incarcerated people struggle to find a job within a year of their release. According to the Prison Policy Initiative, 68% of Americans released from prison are rearrested within three years, and what's the number one indicator of recidivism? Poverty.**

**Demographically, over 70% of the Maryland prison population is black, and, according to the Prison Policy Initiative, black people are**



**imprisoned at over five times greater the rate of white people, this means that black people are being disproportionately affected by this in their quest for employment, housing, or higher education, something that is exacerbated by the fact that the unemployment rate among formerly incarcerated individuals is 27%, which can almost certainly be traced back to them having a criminal record. More than 70% of employers perform background checks on all their applicants and are free to deny employment to many formerly incarcerated people on the basis of record, potentially cutting job opportunities by half, leaving many who have completely repaid their debts to society without the ability to seek employment. In regards to recidivism, a study by the Manhattan Institute revealed that employment within the first six months of release significantly lowers the likelihood of rearrest for nonviolent offenders.**

**As it currently stands, Maryland's expungement laws make it far more difficult for Marylanders to access the expungement services needed to reenter society. Maryland has much longer waiting periods for expungement than most other states, ranking 42nd in waiting period length for misdemeanors and 35th for nonviolent felonies in the country. Under Maryland Criminal Procedure Ann. Cod, §10–110A, an individual must wait ten years before becoming eligible to expunge most nonviolent misdemeanor convictions, and fifteen years for common-law battery, second degree assault, and non-violent felonies, with eligibility not beginning until after their sentence is completed. States like Texas, Alabama, Mississippi, and Utah all have shorter waiting period times than Maryland. In many cases, these waiting periods for expungement are much longer than the actual cases themselves.**

**Maryland's expungement laws make it incredibly difficult to get an expungement, and without expungement, reintegration into society is incredibly difficult. SB1030 allows for the expungement process to begin quickly upon an incarcerated individual's showing of good cause and rehabilitation, while still allowing for the courts to retain their autonomy in actually issuing the expungements.**

**As such, I urge this committee to issue a favorable report on SB1030.  
Thank you for your time.**

**Respectfully,**

**Jill P. Carter**

# **SB 1030 - Criminal Procedure – Expungement of Reco**

Uploaded by: Kam Bridges

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## Testimony in Support of Senate Bill 1030

### Criminal Procedure – Expungement of Records – Good Cause

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

FROM: Job Opportunities Task Force

DATE: March 5, 2024

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 1030, which would allow the court to grant a petition for expungement upon a showing of good cause.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the estimated 25% of working-age Marylanders with a record. 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, the highest in the nation, and one out of three Marylanders returning from incarceration return to Baltimore City. The Department of Justice has found high recidivism rates among returning citizens, with half of all returning citizens recidivating within three (3) years and 60 percent recidivating within five (5) years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: over 60 percent of formerly incarcerated persons remain unemployed one year after their release. This is mainly because more than 85% of employers perform background checks on all of their job applicants and deny employment to many returning citizens based on a record. A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study revealed that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

The passage of the Redeem Act significantly reduced the waiting periods for nonviolent misdemeanor convictions and nonviolent felonies to five years and seven years. However, for those with a criminal record, even five years is a relatively long period of time to navigate the increased barriers to education, employment, housing, public assistance, and much more. Additionally, under current Maryland law Criminal Procedure §10–107, charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’. If a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged.

Lastly, if an individual receives a violation of parole or probation or has a subsequent conviction during the waiting period, the original charge becomes impossible to expunge even decades later. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely. A 2009 study funded by

# JOTF JOB OPPORTUNITIES TASK FORCE

## *Advocating better skills, jobs, and incomes*

the National Institute of Justice examined more than 80,000 criminal records and found that there is a point in time when an individual with a criminal record is at no greater risk of committing another crime than other individuals of the same age. But with no access to expungement due to the blockades, proper reintegration into society is seemingly impossible. Senate Bill 1030 offers a clear, rational solution to the expungement access conundrum for millions of returning citizens, expungement lawyers, and judicial officials. It allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. JOTF fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland.

**For these reasons, JOTF supports Senate Bill 1030 and urges a favorable report.**

**For more information, contact:**

Kam Bridges / Senior Public Policy Advocate / [Kam@jotf.org](mailto:Kam@jotf.org)

**SB1030\_FAV\_KarenFriedman (1).pdf**

Uploaded by: Karen Friedman

Position: FAV

**TESTIMONY IN SUPPORT OF SENATE BILL 1030:**

**Criminal Procedure – Expungement of Records – Good Cause**

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

FROM: Karen Friedman

DATE: March 5th, 2024

I am here today in my personal capacity – as an individual who sat as the expungement judge for Baltimore City for many years. I am taking personal leave from my current position because of how important this issue is to me and how strongly I care about this bill passing.

To many, this is a theoretical conversation without any connection to the implications of receiving or not receiving an expungement. But when you are a judge and have the individual who this affects in a very practical way standing 5 feet away from you, the theoretical becomes very real. You see the look in the person's eyes, you hear the desperation in his or her voice, and you witness the confusion that sets in when they realize that although they truly believed our society told them if they did right, cleaned up their act, started living life like the rest of us, we, society, will forgive, and allow them to achieve. Yet here they are weighed down with an albatross, sometimes from years and years ago, that the law won't allow them to shake. They can't get a bank loan, serve on a jury, or get a business license; more importantly, they can't regain their name.

We live in a world where you can't even go on a first date without the other party googling you and knowing everything – all your misdeeds. For some people getting an expungement can be about regaining their name and dignity.

Allowing a judge to truly look at the individual in front of them, and analyze where they are in terms of their growth, how far they have come from where they started, and how much they need that expungement, is so necessary- it is crucial. A judge can look at a person holistically and truly assess, not in theory but in reality, the collective accomplishments of that individual and whether or not he has earned true forgiveness. Give your judges the discretion to make these case-by-case decisions.

We say we are a country that believes in second chances – but are we?? We need to allow people to REINTEGRATE, not just REENTER- the expungement is one of the essential tools to make that happen; I strongly support the passing of the good cause clause.

# **HPRP Written Testimony SB1030 3-2024.pdf**

Uploaded by: Kirsten Downs

Position: FAV



## **SUPPORT**

### **SB1030 – Criminal Procedure-Expungement of Records-Good Cause**

Testimony of  
Kirsten Gettys Downs, Executive Director  
Homeless Persons Representation Project  
Friday, March 1, 2024  
Senate Judicial Proceedings Committee

*Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services organization providing free legal representation to people who are housing insecure on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.*

### **SB1030: Allow expungement of certain convictions at any time for good cause.**

The Homeless Persons Representation Project (HPRP) supports SB1030. SB1030 allows individuals the opportunity of expungement of records of certain convictions after a showing of good cause. Currently, apart from certain cannabis-related offenses, Maryland law provides no recourse for circumventing the five, seven, ten, or fifteen years of mandatory waiting periods to obtain expungement relief for most types of criminal convictions.<sup>1</sup> For example, trespassing offenses are written into law as requiring a five-year abeyance period before an individual can apply to have the case expunged from their record. While the REDEEM Act of 2023 reduced waiting periods for the expungement

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<sup>1</sup>Zimmerman, M. (2023, February 1). Criminal Procedure - Automatic Expungement - Pardoned Conviction of Possession of Cannabis (Pardons for Simple Possession of Cannabis Act of 2023).

of many categories of convictions,<sup>2</sup> these mandatory waiting periods preclude an individual from obtaining any court-ordered expungement prior to those specified periods, regardless of an individual's circumstances.

The "good cause" exception proposed by SB1030 allows the judge to consider mitigating circumstances and individual factors that may not be captured by rigid eligibility criteria for expungements. This promotes fairness and equity in the criminal justice system by recognizing the complexity of individuals' experiences and the potential for positive change over time. Granting expungements based on good cause can streamline the legal process by focusing resources on cases where expungement is most warranted. By avoiding unnecessary bureaucratic hurdles and allowing judges to exercise discretion, the justice system can allocate resources more efficiently while still ensuring that expungements are granted in appropriate cases.

### **Criminal records disproportionately impact Black & Brown communities.**

Criminal records exert a disproportionate and enduring impact on Black and Brown communities, perpetuating systemic inequalities and hindering socioeconomic advancement. Studies have consistently revealed racial disparities in arrests, convictions, and sentencing, with Black and Hispanic individuals more likely to be stopped by police, charged, and sentenced to incarceration compared to their White counterparts. Research indicates that individuals from these communities are more likely to be arrested, convicted, and sentenced harshly compared to their white counterparts for similar offenses. According to the Sentencing Project, Black Americans are incarcerated at more than five times the rate of white Americans.<sup>3</sup> Similarly, Black people are 3.64 times more likely to be arrested for marijuana possession than white people<sup>4</sup>, despite White

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<sup>2</sup> Moore, W. (2023, May 16). Criminal Procedure – Expungement of Records (REDEEM Act of 2023).

<sup>3</sup> Nellis, A. (2021, October). *Racial and ethnic disparity in state prisons*. The Color of Justice: Racial and Ethnic Disparity in State Prisons. <https://cdn.cnn.com/cnn/2021/images/10/13/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons.pdf>

<sup>4</sup> Nellis, A. (2021, October). *Racial and ethnic disparity in state prisons*. The Color of Justice: Racial and Ethnic Disparity in State Prisons. <https://cdn.cnn.com/cnn/2021/images/10/13/the-color-of-justice-racial-and-ethnic-disparity-in-state-prisons.pdf>

individuals having a higher percentage of using marijuana than any other race over their lifetime.<sup>5</sup> These disparities not only result in higher rates of incarceration but also contribute to the proliferation of criminal records within these communities, hindering and limiting opportunities and exacerbates the challenges already faced by Black and Brown individuals.

### **Collateral consequences of criminal records**

It is well established that having a criminal record creates barriers to economic and employment opportunities. The existing long waiting periods reinforce these barriers. When individuals are burdened by the stigma of a criminal record, they often face barriers to housing, employment, education, family well-being, social stigma & discrimination. Here are examples of how criminal records perpetuate harms through exclusionary policies and practices:

1. Homelessness: Is occasionally a consequence of having a criminal record. Landlords may conduct background checks on potential tenants and refuse to rent to individuals with criminal records.<sup>6</sup>
2. Employment Opportunities: One of the most significant impacts of a criminal record is on employment prospects. Many employers conduct background checks, and having a criminal record can result in automatic disqualification or bias against hiring the individual.<sup>7</sup> Nine out of ten-time employers ask about criminal records and only 12.5% of employers say they would hire individuals with a criminal record.<sup>8</sup> Due to employment discrimination against justice involved individuals our gross national

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<sup>5</sup> Bailey, J. (2022, February 8). Constitutional Amendment - Cannabis - Adult Use and Possession. <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2022RS-HB0001-REIN.pdf>

<sup>6</sup> Thomas, C. (2023, July). *New cannabis expungement rules address systemic injustice*. New cannabis expungement rules address systemic injustice. <http://search.proquest.com/docview/1544687215/40367765D2814714PQ/8?accountid=37814>

<sup>7</sup> Fair housing for people with Criminal Records. Fair Housing Center for Rights and Research. (2023, November 3). <https://www.thehousingcenter.org/resources/criminal-history/#:~:text=Denial%20Based%20on%20Criminal%20History.not%20be%20hypothetical%20or%20speculative>

<sup>8</sup> Faulty FBI background checks for employment: Correcting FBI Records is key to criminal justice reform. National Employment Law Project. (2023, June 27). <https://www.nelp.org/publication/faulty-fbi-background-checks-for-employment/>

product loses about \$80 billion annually.<sup>9</sup> Among the unemployed population 64% of men by the age of 35 have been arrested and 46% have at least one conviction by the age of 38.<sup>10</sup>

3. Education: Some educational institutions may also consider criminal records during the admissions process, limiting opportunities for further education and advancement.
4. Family well-being: Criminal records undermine the five pillars of family well-being (income, education, savings/assets, housing, and family stability/strength) and in turn perpetuates the cycle of poverty. One in two children have at least one parent with a criminal record.<sup>11</sup>
5. Social Stigma and Discrimination: Beyond the practical barriers, individuals with criminal records often face social stigma and discrimination, which can affect their relationships, mental health, and overall well-being.

These systemic barriers perpetuate cycles of poverty and disenfranchisement, undermining efforts towards equity and social justice. As a result, individuals with criminal records are further marginalized. Implementing equitable policies, such as SB1030, are essential steps toward mitigating the enduring impact of criminal records.

### **Advantages of Expungements**

One of the most compelling aspects of expungements is their ability to break the cycle of recidivism, thereby enhancing public safety and community well-being. By granting expungements to individuals who have demonstrated good cause, the courts can facilitate their successful reintegration into society. A study done by University of Michigan Law School found that 96% of Michigander within the last five years who had their record

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<sup>9</sup> Prescott, J. J., & Starr, S. B. (2020). EXPUNGEMENT OF CRIMINAL CONVICTIONS: AN EMPIRICAL STUDY, 133(8), 2513–2513.

<sup>10</sup> Mock, B. (2017, June 15). The costs of excluding ex-offenders from the workforce. Bloomberg.com.

<https://www.bloomberg.com/news/articles/2017-06-15/the-costs-of-excluding-ex-offenders-from-the-workforce>

<sup>11</sup> Bushway, S., Cabreos, I., Welburn Paige, J., Schwam1, D., & Wenger1, J. B. (2022, February 18). Barred from employment: More than half of unemployed men in their 30s had a criminal history of arrest. RESEARCH ARTICLE. <https://www.science.org/doi/10.11>

sealed had not committed a crime.<sup>12</sup> Gainful employment and stable housing are crucial factors that contribute to reducing the likelihood of reoffending. This is because expungements allow for increased opportunities for employment, housing, reintegration, and rehabilitation.<sup>13</sup>

SB1030 seeks to promote fairness and equity in the criminal justice system by recognizing that each person's experience with the law is unique. It provides an opportunity for judges to consider the individual's progress, rehabilitation, and community involvement when making a decision about expungement. By considering these factors, judges can make informed decision that considers the complexity of each individual, and promote a fairer, more equitable criminal system.

**HPRP strongly urges the Committee to issue a favorable report on SB1030.** Please contact Kirsten Gettys Downs ([kgettysdowns@hprplaw.org](mailto:kgettysdowns@hprplaw.org)) with questions or for additional information.

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<sup>12</sup> Lake, J. (2020, April 15). Criminal Records Create Cycles of Multigenerational Poverty

<sup>13</sup> Vallas, R., & Dietrich, S. (2022, August). Americans with Criminal Records. Poverty And Opportunity Profile.  
<https://www.sentencingproject.org/app/uploads/2022/08/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>

## **03.04 - SB 1030- Criminal Procedure - Expungement**

Uploaded by: Lonia Muckle

Position: FAV



**SB 1030 - Criminal Procedure - Expungement of Records - Good Cause**  
**Senate Judicial Proceedings Committee**  
**March 5, 2024**  
**SUPPORT**

Chairman Smith, Vice-Chair Waldstreicher, and members of the committee thank you for the opportunity to support Senate Bill 1030. This bill gives the courts flexibility to grant expungements to returning citizens if the courts deem it appropriate.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate-income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

According to the Bureau of Justice Statistics (BJS), one in three US adults has a criminal record that will surface in a routine background check. In Maryland, [it is estimated that 1.5 million residents, nearly 25% of the state's population](#), have a visible criminal record. Mass incarceration and hyper-criminalization serve as major drivers of poverty; having a criminal record can present obstacles to employment, housing, public assistance, education, family reunification, building good credit, and more.

As each individual case is different, it is reasonable that state law grants the court the power to use their discretion to allow for expungements in certain cases. Since criminal convictions cause massive barriers to employment, housing, public assistance, et. al, and current expungement laws (e.g. unit rule, subsequent convictions, waiting periods post-conviction, etc.) severely restrict courts from using their discretion in granting expungements for eligible convictions, it is also reasonable that state law should grant courts the power to expunge convictions on a showing of good cause.

We ask that you vote to add the "Good Cause" Expungement Provision in Criminal Procedure §10–105(c9) to Criminal Procedure §10–110 allowing the courts, who levy charges/convictions against the individual, to expunge those charges as they see fit.

**We appreciate your consideration of Senate Bill 1030 and encourage a favorable report.**

*Creating Assets, Savings and Hope*

**Testimony - 2024 SB1030\_HB 523..pdf**

Uploaded by: Mary Denise Davis

Position: FAV





**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 1030 // HB 523**

**Criminal Procedure - Expungement of Records - Good Cause**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: March 1, 2024**

The Office of the Public Defender supports Senate Bill 1030//House Bill 523. The Office has counseled and advised thousands of members of communities throughout Maryland over the years through our individual representation to our participation in community events. We offered a weekly expungement clinic in Northwest Baltimore and provided an annual expungement called “Back to the Neighborhood: How to Succeed With a Criminal Record.” We have filed, argued, advocated, and reformed the expungement laws along with our community partners.

The Maryland General Assembly has taken huge steps forward in providing assistance to Maryland citizens through expanding the eligibility of dispositions and the automatic expungement of favorable dispositions. Thank you - for you may not realize how many lives you have impacted for the better.

Senate Bill 1030//House Bill 523 is a welcome and needed addition to the language of the expungement statute. Three recent appellate decisions have turned the filing of an expungement petition on its head. In particular, *In Re Expungement Petition of Abhishek I.*, 244 Md.App 464 (2022). The appellate court indicated that anyone that has any type of a violation of probation would not be eligible for expungement. This decision is counter intuitive to the whole expungement statute. To preclude expungements of convictions under Criminal Procedure §10-110 because of a mere technical violation, for example, makes no sense. The whole purpose of the expungement language in §10-110 is to allow the Judge to look at the

individual at that moment in time - not - 5-10-20 years ago. The expungement statute should not be so draconian.

This Session, Senate Bill 1030////House Bill 523 will allow a Judge to grant or deny an expungement petition for any conviction based on who the person is at the time of the filing. It understands that no one ever has completely clean hands when they are asking for relief for their convictions through the expungement process. Senate Bill 1030//House Bill 523 will take another step towards making Maryland a State that not just believes in second chances but actually allows those chances to happen.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 1030//House Bill 523.**

**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.**

**HB0523\_SB1030\_BALT\_Testimony.pdf**

Uploaded by: Matt Parsons

Position: FAV

**TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:**

**Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Matt Parsons on behalf of Baltimore Action Legal Team

My name is Matt Parsons, and I am the Community Lawyer with Baltimore Action Legal Team (BALT). BALT supports **Good Cause Expungement** to reduce incarceration's impact and enhance employment opportunities for lower-income workers and job seekers throughout the state. BALT is a legal collective that was founded in response to community calls for legal support during the protests following Freddie Gray's murder. Since 2015 we remain committed to providing legal education and services to our community which help ameliorate the effects of systemic racism.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. [Over 60 percent of formerly incarcerated persons remain unemployed one year after release](#). This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, **most charges (~93%) are not eligible for expungement**, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. Lastly, suppose an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later.

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. BALT fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we urge a favorable report.

# **NCADD-MD - 2024 SB 1030 FAV - Good Cause Expungeme**

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee**

**March 5, 2024**

**Senate Bill 1030**

**Criminal Procedure – Expungement of Records – Good Cause**

**Support**

NCADD-Maryland supports Senate Bill 1030. 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.

Current law states that courts may grant a petition for expungement on a showing of good cause if the charges resulted in a non-conviction, probation before judgment, stet, or the charge was vacated. The proposed legislation seeks to expand the court's good cause expungement power to misdemeanors or felonies they deem worthy of expungement. This bill simply allows judges to grant a petition for expungement at any time on a showing of good cause. This flexibility will allow judges to make decisions based on individual circumstances.

This kind of policy change is 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 1030.

*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.*

**National Council on Alcoholism & Drug Dependence – Maryland Chapter**  
**28 E. Ostend Street, Suite 303, Baltimore, MD 21230 · 410-625-6482 · fax 410-625-6484**  
**[www.ncaddmaryland.org](http://www.ncaddmaryland.org)**

**SB1030\_ACLUMD\_FAV.pdf**

Uploaded by: Olivia Spaccasi

Position: FAV



## Testimony for the Senate Judicial Proceedings Committee

March 5, 2024

### SB 1030 - Criminal Procedure – Expungement of Records – Good Cause

**FAVORABLE**

OLIVIA SPACCASI  
PUBLIC POLICY PROGRAM  
ASSOCIATE

AMERICAN CIVIL  
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OFFICERS AND DIRECTORS  
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PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 1030, which establishes that, after consideration of specified factors, a court may grant a petition for expungement of certain convictions at any time, based on a showing of good cause, rather than only after the prescribed waiting period.

Studies show that employment opportunities can reduce recidivism rates.<sup>1</sup> Yet, for far too many Marylanders, a criminal record—regardless of how minor the offense, can be a bar to opportunities for success. The collateral consequences reach far beyond employment—a criminal record may compromise one’s eligibility for tuition assistance and stable housing. Moreover, these collateral consequences are particularly stark for communities of color.

### **Criminal records exclude individuals from employment, educational opportunities, public benefits, and stable housing.**

The existence of a criminal record can and does create a barrier to employment for many Marylanders. Over 80 percent of U.S. employers perform criminal background checks on prospective employees.<sup>2</sup> Under current regulations, a misdemeanor conviction in Maryland may result in the denial, suspension, or revocation of myriad business licenses.

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<sup>1</sup> Nally, Lockwood, Taiping, and Knutson, *The Post-Release Employment and Recidivism Among Different Types of Offenders With A Different Level of Education: A 5-Year Follow-Up Study in Indiana* (noting that recidivist offenders were likely to be unemployed or under-educated)

<sup>2</sup> Burke, M.E., 2004 *Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management, Alexandria, Va.: Society for Human Resource Management*, 2006.





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FOUNDATION

## Maryland

Criminal convictions also serve to exclude persons from educational opportunities. A recent study found that a majority (66%) of colleges collect criminal justice information as part of the admissions process.<sup>3</sup>

A criminal conviction also hinders an individual's access to stable housing and a range of public benefits, placing them at greater risk for homelessness, housing instability, and recidivism.<sup>4</sup>

### **Criminal convictions disparately disadvantage individuals, families, and communities of color.**

The over-criminalization of communities of color – largely due to the ‘war on drugs’—has produced the startling result that one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen White men.<sup>5</sup> In addition to facing higher imprisonment rates, Black people, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their White counterparts.<sup>6</sup>

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from criminal convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuates the cycle of imprisonment plaguing communities of color—without gainful employment and stable housing, individuals are forced to return to livelihoods of criminality.

A person should not be continually defined nor punished for their worst day. Expediting the expungement process based on good cause will help

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<sup>3</sup> Center for Community Alternatives—Innovative Solutions for Justice, *The Use of Criminal Records in College Admissions, Reconsidered* (available at <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>).

<sup>4</sup> [https://nlihc.org/sites/default/files/AG-2020/6-07\\_Housing-Access-for-People-with-Criminal-Records.pdf](https://nlihc.org/sites/default/files/AG-2020/6-07_Housing-Access-for-People-with-Criminal-Records.pdf)

<sup>5</sup> <https://www.aclu.org/issues/smart-justice/mass-incarceration/mass-incarceration-animated-series>

<sup>6</sup> Ibid.



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Maryland

empower more individuals to re-enter society and participate meaningfully in the workforce.

For the foregoing reasons, we urge a favorable report on SB 1030.

# **SB1030 - MSBA Criminal Law Section - Support Lette**

Uploaded by: Shaoli Katana

Position: FAV



**MSBA Main Office**  
520 West Fayette Street  
Baltimore, MD 21201  
410-685-7878 | msba.org

**Annapolis Office**  
200 Duke of Gloucester Street  
Annapolis, MD 21401  
410-269-6464 | msba.org

To: Members of the Senate Judicial Proceedings Committee  
From: Doyle Niemann, Chair, Legislative Committee, Criminal Law and Practice Section,  
Maryland State Bar Association (MSBA)  
Subject: SB 1030 – Expungement of Records – Good Cause  
Date: March 4, 2024  
Position: **Support**

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The Legislative Committee of the Criminal Law & Practice Section of the Maryland State Bar Association (MSBA) Supports **SB1030 - Expungement of Records – Good Cause.**

This bill amends current law relating to when and what crimes can be expunged and removed from public view. It will allow a court to expunge a case at any time upon a finding of good cause.

SB1030 provides a useful tool in a variety of special situations where the expungement of a conviction is in the interest of justice. It is not an open-ended invitation to expungement. Rather it empowers a judge to make the decision to remove a conviction from public view if he or she finds that there is good cause to do. As such, it relies on the ability of judges to fairly and impartially look at requests to expunge a conviction and to make a decision based on the specific facts and circumstances presented. That is what judges do and there is no reason to think they will abuse their power in this context.

For the reasons stated, we Support SB1030 – Expungement of Records for Good Cause.

If you have questions about the position of the Criminal Law and Practice Section’s Legislative Committee, please feel free to address them to me at 240-606-1298 or at [doyleniemann@gmail.com](mailto:doyleniemann@gmail.com). Should you have other questions, please contact The MSBA’s Legislative Office at (410) 387-5606.



# **Senate Bill 1030 Criminal Procedure – Expungemen**

Uploaded by: Stanley Andrisse

Position: FAV

## **TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:**

### **Criminal Procedure – Expungement of Records – Good Cause**

**To:** Members of the Senate Judicial Proceedings and House Judiciary Committee

**From:** Stan Andrisse, PhD, MBA, Endocrinologist Scientist & Faculty, Howard University College of Medicine

**Mar 4, 2024**

My name is Dr. Stanley Andrisse. I am a **formerly incarcerated person** with 3 felony convictions, sentenced to 10-years in prison. I was once told I had no hope for change. I am now an endocrinologist & professor at two world renowned medical institutions. **People can change**. With mentoring and support, statistics and many personal stories show that **offering second chances is healthy for the individual, healthy for their families, and healthy for the community**.

I hold several professional positions that I split my time between. Primarily, I am an Assistant Professor in the Department of Physiology and Biophysics at Howard University College of Medicine. I am also an Alumni Adjunct Assistant Professor in the Division of Pediatric Endocrinology at Johns Hopkins Medicine. More pertinently, I am the Founder and Executive Director of [From Prison Cells to PhD](#), a mentoring program aimed at helping individuals from underrepresented backgrounds enter and excel in college. Mentorship and education were transformational in my personal journey. This is why **I fully support [Senate Bill 1030: Criminal Procedure – Expungement of Records – Good Cause](#)**

My interest in this stems from my story. Growing up in Ferguson, Missouri, I got involved with making poor decisions at a very young age. By my early 20's, those poor decisions had exacerbated, and I found myself sitting in front of a judge facing 20 years to life for drug trafficking charges. The prosecuting attorney classified me as a prior & persistent career offender. The judge sentenced me to 10 years in a maximum-security prison.

Very much tied to my departure, my dad's health plummeted while I was in prison. Through phone calls and letters, I'd hear that piece by piece, they amputated his lower limbs up to his torso. Before I could reconcile our relationship, he fell into a coma and passed due to complications associated with type 2 diabetes. Upon release, after several rejections, I was accepted into a Ph.D. program, completed my Ph.D./M.B.A. simultaneously, and started at Johns Hopkins Medicine.

**Education has been the game changer for me.** I share this with you to give you the perspective of I support this bill. This bill will help change the life trajectory of men and women with criminal records. I am a three-time convicted felon. Education has given me the tools and the titles to balance out those strikes that I placed against me. More important than the letters behind my name, **education has broadened my life perspective and has given me hope.**

I am quite certain that it was because of this “criminal conviction” question that I was rejected from several of the PhD programs I had applied to. Fortunately for me, I had made a good impression on one of my college professors from my undergraduate studies (before I went to prison). This professor vouched for me and had a connection to the admissions committee at Saint Louis University. I completed my PhD at the top of my class and 2 years earlier than expected, suggesting that I was indeed qualified to have

been admitted to the other programs. This short one sentence question is a mountainous barrier to one's successful reintegration into society. It is my and many others' scarlet letters. Yes, I am a convicted felon. But I am also a doctor, a scientist, an MBA holder, a newlywed husband, a son to an aging mother, a community organizer, an institutional leader, a youth mentor, a published author, and many other things. Eliminating me before you know all of these other great things is an injustice to society. I am in full support of [Senate Bill 1030: Criminal Procedure – Expungement of Records – Good Cause](#)

**Stanley Andrisse, MBA, PhD**

Executive Director, [From Prison Cells to PhD](#)  
Assistant Professor, Howard University COM, Physiology  
Alumni Adjunct Assistant Professor, Johns Hopkins, Pediatrics  
fromprisoncellstophd@gmail.com, 314-922-0198  
PO Box 1285, Baltimore, MD 21203

Sincerely,

A handwritten signature in black ink that reads "Stanley Andrisse". The signature is written in a cursive, flowing style.

Stanley Andrisse, M.B.A., Ph.D.



**MLA Favorable SB 1030.pdf**

Uploaded by: Charlotte Ahearn

Position: FWA



**MARYLAND**  
**LEGAL AID**

*Advancing*  
**Human Rights and**  
**Justice for All**

## **Senate Bill 1030**

### **Criminal Procedure – Expungement of Records – Good Cause In the Judicial Proceedings Committee, Hearing on March 5, 2024 Position: FAVORABLE WITH AMENDMENTS**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB 1030 in response to a request from Senator Jill P. Carter.*

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) submits this testimony at the request of Senator Jill and urges the Committee to give it a favorable report, *with amendments*.

MLA is a non-profit law firm that provides free civil legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including criminal record expungements, which remove barriers to obtaining public benefits, housing, a driver's license, and employment, and help combat the harms of mass incarceration, systemic racism, and the failed War on Drugs.

Senate Bill 1030 simply incorporates the "Good Cause" provision into Criminal Procedure Code § 10-110, as it was originally intended when this body passed the Justice Reinvestment Act in 2016. By creating § 10-110.1, this bill permits the court to grant expungement petitions on a showing of good cause after the completion of a sentence or probation, in addition to providing the factors the court shall consider in making that determination.

Good Cause is a legal determination that has been used throughout our country since its inception, and it is often not defined statutorily. Senate Bill 1030 codifies the requirements needed to grant a Good Cause petition under Criminal Procedure Code § 10-110: (1) the nature of the crime, (2) the person's character and history, (3) the risk to the public, (4) success at rehabilitation, and (5) the impact on the person's ability to access employment, education, housing, public benefits, and other opportunities for economic stability.

MLA clients often come to us with a single nonviolent conviction that has been on their record for a decade or more. These charges have often resulted in periods of incarceration and/or lengthy periods of probation or parole. According to the United States Department of Justice, in 2022, almost 2 million Marylanders had criminal records, leaving almost 30% of your constituents with criminal records that are preventing them from participating in and contributing to society. Yes, that is nearly one-third of the

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entire state population. 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. Prohibiting Good Cause expungements punishes individuals further into the cycles of poverty. Excessively long expungement waiting periods are counterproductive and place severe barriers to meaningful employment for individuals who pose no risk and want nothing more than to provide for their loved ones and participate in Maryland's economy.

*MLA would amend the bill to remove subsection (D), which removes the right to appeal the denial of a Good Cause petition.*

Subsection (D) unnecessarily and harshly removes the individual's right to appeal if the petition is denied. There is no reason to deny these people a right that is afforded to virtually all other litigants in the state—particularly on a newly codified standard where all parties will benefit from occasional appellate court clarifications. Worse yet, subsection (D) only applies to the individual, not to the State, creating an imbalanced and unfair procedure favoring a particular party. This is antithetical to Maryland law and fundamental notions of evenhanded justice.

Including MLA's proposed amendment, Senate Bill 1030 will benefit communities by allowing people to move on from their pasts and seek stable lives—precisely what this body envisioned when they established expungement as a public good. When an individual successfully completes their sentence, their debt to society is paid. Expungement can have an immense effect on a person's life, possibly being the difference between gaining or losing stable housing. Employment and housing means reduced recidivism, stable families, and community empowerment. In this way, not only do those receiving an expungement benefit, but society benefits as well. If an applicant has met the exacting standards set forth in the good cause provision, there is no reason to make them wait. Indeed, given the proven, quantifiable statewide benefits of expungement, it would be harmful *not* to pass this bill.

Thank you for providing MLA the opportunity to comment on this important piece of legislation. Maryland Legal Aid strongly supports Senate Bill 1030 and asks that this committee give it a favorable report with amendments.

Charlotte Ahearn, Esq.  
Staff Attorney, Maryland Legal Aid

**MCPA-MSA\_SB 1030 Expungments-Good-Cause\_Oppose.pdf**

Uploaded by: Natasha Mehu

Position: UNF



# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

**TO:** The Honorable William C. Smith, Jr., Chair 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:** March 5, 2024

**RE:** **SB 1030 – Criminal Procedure – Expungement of Records - Good Cause**

**POSITION:** **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 1030**. This bill would allow individuals who have been convicted of certain crimes, including serious misdemeanors and felonies, to have records relating to their convictions expunged “at any time on a showing of good cause.” “Good cause” is not defined.

Under Crim. Pro. §10-105(c), an expungement based on an acquittal, a nolle prosequi, or a dismissal “may not be filed within 3 years after the disposition, unless the petitioner files with the petition a general waiver and release of all the petitioner’s tort claims arising from the charge.” Three years covers the statute of limitations for most civil claims that could be filed against law enforcement – or a complainant or witness. Without such a waiver, a plaintiff might file a suit claiming, for example, false arrest or malicious prosecution and the defendant would not be allowed to use and disclose the records relating to the arrest or prosecution.

The same considerations should apply to a person seeking an expungement based on a conviction, where the person has either pled guilty or been found guilty of a crime beyond a reasonable doubt. Under SB 1030, a person or entity defending a suit would be prevented from retaining and using relevant and admissible evidence relating to the litigation.

Additionally, SB 1030 tends to erode judicial transparency. “The public’s right of access to judicial proceedings is fundamental.” *Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418 (5<sup>th</sup> Cir. 2021). “All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.” Md. Code Ann., Gen. Prov. §4-103. Removing records of criminal prosecutions is inconsistent with the need for openness. As the Fifth Circuit recently observed in the context of sealing orders,

The Judicial Branch belongs to the American people. And our processes should facilitate public scrutiny rather than frustrate it. Excessive secrecy...undercuts the public’s right of access and thus undermines the public’s faith in our justice system. *Le*, 990 F.3d at 421.

For these reasons, MCPA and MSA **OPPOSE SB 1030** and request an **UNFAVORABLE** committee report.

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