



1411 K Street N.W.
Suite 900
Washington, D.C. 20005
Solutions.
202-525-5717
www.rstreet.org

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Testimony from:

Sarah Anderson, Associate Director, Criminal Justice & Civil Liberties, R Street Institute

Testimony in Support of SB 432: “Expungement Reform Act of 2025”

March 25, 2025

House Judiciary Committee

Chairman Clippinger and members of the committee,

My name is Sarah Anderson, and I am the associate director of criminal justice and civil liberties policy at the R Street Institute, a nonprofit, nonpartisan public policy research organization. We engage in policy analysis and outreach promoting free markets, and limited, effective government in a variety of policy areas, including criminal justice and civil liberties issues. We have a particularly vested interest in creating a system that holds offenders accountable to their actions, yet still allows for successful rehabilitation and an opportunity to truly leave life’s mistakes behind when earned. This is why we have a strong interest in Senate Bill 432, also known as the “Expungement Reform Act of 2025.”

Under this proposed legislation, multiple areas would be addressed in order to expand as well as improve upon Maryland’s current record sealing and expungement system.¹ Most importantly, this bill fixes the flaw in Maryland law whereby anyone who has ever received a technical violation while on probation or parole (e.g. missed probation appointment, late curfew, outstanding court costs or fines) then becomes permanently ineligible for expungement. Such violations are non-criminal in nature, and should not be yet another barrier that those with criminal records face when working to move forward as productive members of society.

Additionally, this legislation would add three more non-violent, low-level misdemeanors to the list of eligible offenses for expungement under Maryland statute. It also brings current law in line with the state’s legalization of cannabis and the governor’s executive clemency actions to pardon those possession

¹ Maryland General Assembly, 2025 Legislative Session, Senate Bill 432, Last Accessed March 21, 2025.
<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/SB0432>.

offenses.^{2,3} Together, these changes would markedly improve Maryland’s landscape for record sealing and expungement.

Research proves that individuals who remain crime free for five to seven years without further offenses, are no more likely to reoffend than those without a criminal record, making this legislation a sensible, evidence-based policy.^{4,5} To grasp the importance of shielding criminal records from the public after individuals remain crime-free for a set period, one must understand the lasting consequences and barriers faced by those with records, even years after completing their sentence.⁶

One of the greatest challenges faced by people with existing criminal records—affecting nearly 22 percent of Maryland's adult population—is the enduring hurdle to basic life necessities such as employment, housing, and education.⁷ In fact, there are more than 40,000 state or federal regulatory or legal restrictions that limit opportunities for those with criminal records with regards to employment, business and licensing, housing, and education, among other things.⁸ These create negative outcomes for both those directly impacted as well as for those who live in community with them.

For example, 94 percent of employers use background checks when hiring, and an arrest or conviction record reduces the chances of a callback or job offer by nearly 50 percent.^{9,10} This does not only negatively affect those who are left unemployed or underemployed, but also those around them. Even those without criminal records are affected by the barriers that individuals with records face, because such barriers leave significant portions of society unable to reach their full potential in the economy and in public life. Additionally, reduced opportunities for gainful employment contribute to increased recidivism and therefore increased crime, which presents a public safety threat to society as well.

² Maryland General Assembly, 2022 Legislative Session, House Bill 837, Last Accessed March 21, 2025. <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0837/?ys=2022rs>.

³ William J. Ford, "Moore signs order pardoning 175,000 misdemeanor cannabis convictions," *Maryland Matters*, June 17, 2024. <https://marylandmatters.org/2024/06/17/moore-signs-order-pardoning-175000-misdemeanor-cannabis-convictions>.

⁴ Alfred Blumstein and Kiminori Nakamura, "'Redemption' in an Era of Widespread Criminal Background Checks," *National Institute of Justice Journal*, 263 (June 2009). <https://www.ojp.gov/pdffiles1/nij/226872.pdf>.

⁵ J.J. Prescott and Sonja B. Starr, "The Power of a Clean Slate," *Regulation* 43:2 (Summer 2020) pp. 28-34. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3474&context=articles>.

⁶ Gary Hunter, "Destined to Fail: the Negative Effect of Collateral Consequence Laws," *Prison Legal News*, August 10, 2016. <https://www.prisonlegalnews.org/news/2016/aug/10/destined-fail-negative-effect-collateral-consequence-laws>.

⁷ "Clean Slate in Maryland," The Clean Slate Initiative, 2025. <https://www.cleanslateinitiative.org/maryland#factsheet>.

⁸ "A Re-Introduction to the National Inventory of Collateral Consequences of Conviction (NICCC) and the Clean Slate Clearinghouse," Bureau of Justice Assistance: National Reentry Resource Center, April 12, 2023. <https://nationalreentryresourcecenter.org/multimedia/re-introduction-national-inventory-collateral-consequences-conviction-niccc-and-clean>.

⁹ Ariel Nelson, "Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing," National Consumer Law Center, December 10, 2019. <https://www.nclc.org/resources/report-broken-records-redux>.

¹⁰ Devah Pager, et al., "Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records," *American Academy of Political and Social Science*, 623:1 (May 2009), pp. 195-213. <https://pubmed.ncbi.nlm.nih.gov/23459367>.

However, this need not be the case. Data indicates that those who have had their records sealed benefit dramatically from the policy, relating to factors that reduce reoffense rates, such as improving access to employment, housing, and education.¹¹ All of these factors not only improve the lives of those with the criminal record, but also the lives of those around them, their broader community, and the state overall.

Senate Bill 432 offers a chance to bring the benefits of improved record sealing and expungement practices to the state of Maryland. For these reasons, we strongly support SB 432 and urge the committee to issue a favorable report.¹²

Thank you,

Sarah Anderson
Associate Director, Criminal Justice & Civil Liberties
R Street Institute
sanderson@rstreet.org

¹¹ Amy L. Solomon, et al., “Understanding the Challenges of Prisoner Reentry,” The Urban Institute, March 24, 2006. <https://www.urban.org/research/publication/understanding-challenges-prisoner-reentry>.

¹² Christi Smith, “The Pathway to Prosperity: How Clean Slate Legislation Enhances Public Safety and Stimulates the Economy,” *R Street Policy Study* No. 279, March 2023. <https://www.rstreet.org/research/the-pathway-to-prosperity-how-clean-slate-legislation-enhances-public-safety-and-stimulates-the-economy>.