

February 19, 2020

The Honorable William C. Smith
Chairman, Judicial Proceedings Committee
The Maryland Senate
Miller Senate Office Building, 2 East Wing
11 Bladen Street
Annapolis, MD 21401

RE: Testimony Supporting Senate Bill 589 – Criminal Procedure – Partial Expungement

Dear Chairman Smith and Members of the Committee:

Thank you for your invitation to present testimony on SB 589. The Legal Aid Bureau, Inc. (“Maryland Legal Aid”) is a private, non-profit law firm that represents low-income persons in civil matters throughout Maryland. Maryland Legal Aid assists individuals and families with a wide array of civil legal issues, including criminal record expungement. Since July 2016, Maryland Legal Aid has represented over 10,000 Marylanders with record expungement, totaling over 40,000 case records, creating greater access to jobs, employment, and other opportunities for these residents and their families. It is based on this work that Maryland Legal Aid supports the proposed bill.

Under current Maryland law, almost all criminal records that did not result in a conviction are eligible for expungement. However, the “unit rule” prevents expungement of eligible charges if one or more charges in the unit, i.e. charges stemming from the same incident, resulted in a conviction that is ineligible for expungement. Therefore, many individuals are barred from clearing their record of crimes for which they were never convicted, solely because they were convicted of a lesser crime in the same unit.

Maryland Legal Aid conducts clinics in almost all of the Maryland counties and we represent clients every day who cannot gain employment, housing, or educational opportunities, despite never having been convicted of certain crimes. As employers and other entities often utilize the public case search system maintained by the Maryland Judiciary to screen individuals, SB 589 would remove much of the stigma and barriers faced by our clients by eliminating records of charges that did not result in a conviction. Maryland Legal Aid’s clients report that employers do not always give much deference to the dispositions for each charge, but instead base hiring solely on the list of criminal charges. With current Maryland law enforcing the unit rule, many criminal records appear deceptively lengthy, listing numerous offenses for which an individual was never convicted. If not for the existence of the unit rule, these charges not resulting in a conviction would be eligible for expungement under existing Maryland law.

Partial expungement would increase the ability of individuals to successfully re-enter society and obtain gainful employment. Clients consistently convey a sense of hopelessness and discouragement at facing a list of charges permanently locked on their

records despite never being convicted of the majority of them. The proposed legislation would encourage and empower these individuals who have little to no employment prospects to re-enter society and compete in the workforce. SB 589 would grant thousands of Marylanders a second chance and increase their opportunity to become productive members of the community.

Thank you for providing Maryland Legal Aid the opportunity to comment on this important piece of legislation. Legal Aid supports SB 589 and asks that this committee give it a favorable report.

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Maryland Legal Aid

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