

Testimony of the Human Trafficking Prevention Project The University of Baltimore School of Law

BILL NO: Senate Bill 589
TITLE: Criminal Procedure – Partial Expungement
COMMITTEE: Judiciary
HEARING DATE: February 19, 2020
POSITION: **SUPPORT**

Senate Bill 589 would repeal Maryland’s overly punitive ‘unit rule’ provision by amending the state’s expungement law to allow the expungement of eligible non-conviction charges within a unit of criminal charges. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will enhance the effectiveness of Maryland’s expungement framework by providing improved access to criminal record relief for all Marylanders, including survivors of human trafficking.

Currently, Maryland’s “unit rule” prohibits the expungement of otherwise eligible charges such as acquittals and other favorable dispositions if any other charge within that same “unit” of criminal charges is ineligible for expungement. This means that many individuals struggle with the collateral consequences of a lengthy criminal record, despite the fact that they may not have been convicted of the majority of the offenses they were charged with. Senate Bill 589 drastically reduces the electronic visibility of non-convictions, which would increase the probability that people will be hired, receive loans and obtain housing because many employers and others generally only look to the electronic record and do not go to the courthouse to review the paper file. The paper file in the courthouse however, would still list all of the charges and be available for public viewing and/or in a subsequent criminal prosecution.

It is also important to note that criminal records are both a predictor and the result of exposure to human trafficking. Data recently obtained from a national survey of both sex and labor trafficking survivors echoes the need for access to broader criminal record relief, with 91% of survivors reporting having been arrested at some point in their lives. Of those 91%, over 40% reported being arrested over nine times or more, while over 50% stated that every single arrest on their record was a direct result of their trafficking experience. Like all individuals with a criminal record, criminalized survivors of trafficking similarly struggle to obtain safe housing and gainful employment. For this population however, these consequences carry with them the additional risk of continued exploitation by a trafficker.

In recent years, Maryland has shown its strong support for remedying the impact a deeply flawed criminal legal system has on the ability of its citizens to escape poverty and lead productive lives. SB 589 would further this goal by expanding the availability of expungement in the state, which would significantly lessen the trafficking risk faced by sex workers and survivors of human trafficking alike. For these reasons, the Human Trafficking Prevention Project supports SB 589, and respectfully urges a favorable report.

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