



## Testimony for the Senate Judicial Proceedings Committee

February 26, 2020

YANET AMANUEL  
PUBLIC POLICY ADVOCATE

### SB 687 Criminal Procedure - Expungement of Conviction - Driving While Privilege Is Canceled, Suspended, Refused, or Revoked

#### FAVORABLE

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

FIELD OFFICE  
6930 CARROLL AVENUE  
SUITE 610  
TAKOMA PARK, MD 20912  
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 687, which would allow a person convicted of a misdemeanor for driving while their license or privilege to drive was canceled, revoked, refused or suspended to petition for expungement.

Criminal penalties, unnecessary entanglement with the criminal legal system and the accompanying criminal record—even for misdemeanors—can have severe and lasting impacts on Marylanders. Maryland took an important step towards eliminating the possibility of jail time for non-violent offenses such as driving on a suspended, canceled, refused or revoked license with the passage of HB 76 in 2019. SB 687 dovetails these efforts by allowing individuals previously convicted of these misdemeanors to petition for expungement.

#### **Criminal records exclude individuals from employment**

The existence of a misdemeanor criminal record can and does create a barrier to employment for many Marylanders. More than 80% of U.S. employers perform criminal background checks on prospective employees.<sup>1</sup> Under current regulations, a misdemeanor conviction in Maryland may result in the denial, suspension, or revocation of myriad business licenses, including: a barber license,<sup>2</sup> a cosmetology license,<sup>3</sup> an electrician license,<sup>4</sup> professional engineer license,<sup>5</sup> a landscape architect license,<sup>6</sup> an interior designer certificate,<sup>7</sup> and countless others.

#### **Misdemeanor 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

---

<sup>1</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.

<sup>2</sup> Md. Business Occupations and Professions, Code Ann. § 4-314

<sup>3</sup> Md. Business Occupations and Professions, Code Ann. § 5-314

<sup>4</sup> Md. Business Occupations and Professions, Code Ann. § 6-316.

<sup>5</sup> Md. Business Occupations and Professions, Code Ann. § 14-317.

<sup>6</sup> Md. Business Occupations and Professions, Code Ann. § 9-310.

<sup>7</sup> Md. Business Occupations and Professions, Code Ann. § 8-310.

can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen white men.<sup>8</sup> In addition to facing higher imprisonment rates, people of color, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their white counterparts.<sup>9</sup>

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from misdemeanor convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuate the cycle of imprisonment plaguing communities of color.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 687.

---

<sup>8</sup> Saki Knafo, 1 In 3 Black Males Will Go To Prison In Their Lifetime, Report Warns (HUFFINGTON POST, Oct. 4, 2013).

<sup>9</sup> *Id.*

