



EXPANDING ACCESS TO JUSTICE FOR OVER 38 YEARS

MARYLAND SENATE JUDICIAL PROCEDURES COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT SB0811: CRIMINAL PROCEDURE –
AUTOMATIC EXPUNGEMENT
THURSDAY, MARCH 5, 2020

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Senator Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 811.

My name is Christopher Sweeney and I am the Staff Attorney for the Workforce Development Project at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteer lawyers, has provided free legal services to over 85,000 Marylanders in a wide range of civil legal matters. In FY2019, MVLS volunteer and staff lawyers provided legal services to more than 5,000 people across the state. Through our Workforce Development project, we represent many clients filing for criminal record expungement. For the reasons explained below, MVLS respectfully requests the committee return a favorable report on SB811.

MVLS' Workforce Development Project is a partnership with occupational training programs in Baltimore City, and is a continuation of the Mayor's Office's 'One Baltimore for Jobs' pilot program. The Mayor's Office of Employment Development began One Baltimore for Jobs as a response to the civil unrest in 2015. The project supports job programs, social services programs, and legal services programs in Baltimore, and connects those programs with support from state agencies such as the Office of Child Support and the Motor Vehicle Administration. Though funding for legal services via One Baltimore for Jobs has ended, MVLS has continued its part of the project and currently supports six workforce programs in Baltimore. MVLS works with Civic Works, Job Opportunities Task Force, Jane Addams Resource Corporation, Caroline Center, Biotechnical Institute of Maryland, Bon Secours Community Works, and Helping Up Mission to provide 'wrap-around' services – supplementing the trainees' social services with legal services. The goal of the program is to make participants more job-ready by reducing barriers to employment.

Each of the clients I serve through the Workforce Development Project is enrolled in courses to receive job skills training and certification in areas such as welding, machine operation, nursing, pharmacy tech, construction, and weatherization. These non-profit programs are free to students, and are aimed at providing re-entry opportunities for those who were previously incarcerated or who simply lacked educational and employment opportunities due to the experiences of poverty. The majority of clients we see through this project have criminal cases on their records. These criminal cases, most of which did not result in a conviction, prevent our clients from obtaining jobs and housing. SB811 would help people charged with a crime, but not convicted, free themselves from the stigma of a criminal record.

Through the Workforce Development Project, we provide expungement services to approximately 200 clients per year, with an average of three to four cases per client. The vast majority of expungements we file are eligible due to there being no conviction in the case. In this situation, despite the fact that our clients were not found guilty of any crime, their cases follow them when they apply for jobs and housing.

I represent many clients who are training to enter the medical field. In most circumstances, they need a completely clean record to obtain the licensing necessary to work in their field of choice. Countless times I have met with clients who are shocked that a case where all charges were dropped still appears on their record. If they hadn't happened to cross paths with a legal services attorney, they would be going before a medical licensing board with criminal charges on their record. These are students who have entered a career track believing that a misdemeanor charge, sometimes over a decade old, with no guilty verdict, was not going to be a problem. There is a public misconception that "dropped" charges disappear from a person's record. Without filing expungement, this is never the case under Maryland law. Automatic expungement of non-convictions helps people who were not convicted of a crime move on with their lives.

SB811 would not only help people obtain jobs, it would reduce the burden on courts system and legal services organizations. MVLS estimates that about 75% of criminal cases are eligible for expungement, and there are over one million cases eligible for expungement in Maryland. Legal services organizations currently file several thousand expungement petitions each year. Over time, automatic expungement of non-convictions would reduce the number of petitions filed, reducing the administrative burden on the court system. Automatic expungement would also free up the valuable time of legal services attorneys working to improve the lives of those in need.

Automatic expungement of non-convictions is a step toward a more just Maryland. If someone is charged with a crime and not convicted, the case should not follow them for the rest of their life, and they should not be given the extra burden of preparing legal filings to expunge their case. Since a person not convicted of a charge is presumed innocent, justice would dictate that the criminal charge not be held against them. Those seeking to leave their past behind and enter the workforce deserve expungement without the burden of additional legal proceedings.

MVLS has been fighting to even the playing field for low income Marylanders for decades, and we know that these members of our community face significant financial obstacles when trying to put their lives back on track. The need for our volunteer attorneys is pressing, but legislation like SB811 would lessen that burden. We support SB811 because it would help many Marylanders move their lives forward. If more people have access to quality jobs, we are on our way to a better Maryland and a better society. Automatic expungement of non-convictions will help more people across Maryland obtain gainful employment, boosting our economy and strengthening our community. We at MVLS respectfully request that you vote yes on SB811.

Mister Chairman and members of the Committee, thank you again for the opportunity to testify.