

March 4<sup>th</sup>, 2020

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

RE: Testimony Supporting Senate Bill 0811 – Criminal Procedure – Automatic Expungement

Dear Chairman Smith and Members of the Committee:

Thank you for your invitation to present testimony on SB 0811. The Legal Aid Bureau, Inc. (“Maryland Legal Aid”) is a private, non-profit law firm that represents indigent persons in civil matters throughout Maryland. We assist individuals and families with a wide array of civil legal issues, including criminal record expungement. Since October 2015, Maryland Legal Aid has represented thousands of Marylanders in criminal record expungement cases; creating greater access to jobs, employment, child custody, and other opportunities for Maryland citizens.

SB 0811 greatly expands the abilities of low income Marylanders to access justice and seek employment. First, the inclusion of invalidated warrants as expungable offenses will positively impact many Maryland Legal Aid clients. Dismissed and invalidated warrants remain on clients’ records, requiring a burdensome, and often unsuccessful, process to request a Court to change the warrant status. The stigma attached to a criminal record listing from an invalidated warrant is a tremendous obstacle to Maryland Legal Aid clients when applying for jobs and housing.

Additionally, SB 0811 would remove barriers by allowing for automatic expungement of dispositions that are already eligible for expungement under Maryland law. Under current law, the expungement filing process is lengthy and burdensome, to both clients and the courts. While clients wait to have their acquittal or nolle prosequi expunged, their charges remain in the public purview. In particular, employers often utilize the public website maintained by the Maryland Judiciary to screen applicants. As explained by Legal Aid clients, employers do not give much deference to the disposition of the charges, but instead focus on the list of criminal charges online. Many criminal records appear lengthy, as they list numerous offenses for which an individual was not convicted. These records are often misunderstood by the public, punishing low income Marylanders for criminal acts that they were never convicted of.

Automatic expungement would positively change the lives of Maryland Legal Aid’s clients. Clients often meet with an attorney to discuss charges they never went to court for, as a result of a favorable disposition, such as nolle prosequi. Many clients have had these charges on their record for over a decade, and although the result was a favorable outcome

from the court's perspective, the long-term effect is negative. Automatic expungement would minimize additional punitive results, as, without action taken from the client, the charge serves as a lifetime sentence of inability to seek work or find housing.

The proposed legislation would encourage and empower Maryland Legal Aid clients who have minimal or no employment prospects to re-enter society and participate in the workforce. SB 0811 will grant them a second chance and increase their opportunity to become productive members of the State.

Thank you for providing Maryland Legal Aid the opportunity to comment on this important piece of legislation. Legal Aid strongly supports SB 0811 and asks that this committee give it a favorable report.

**Legal Aid supports SB0811 and asks that this committee give it a favorable report.**

---

Amy Petkovsek, Director of Training and Pro Bono  
Maryland Legal Aid

---

Todd Cagwin, Staff Attorney, Community Lawyering Initiative  
Maryland Legal Aid