

# **MD Legal Aid\_FAV\_SB811**

Uploaded by: Cagwin, Todd

Position: FAV

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.**

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

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

# **HCH\_fav\_sb811**

Uploaded by: CIEKOT, ANN

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY  
IN SUPPORT OF  
SB 811 – Criminal Procedure – Automatic Expungement**

**Senate Judicial Proceedings Committee  
March 5, 2020**



**Health Care for the Homeless supports SB 811**, which would, among other things, entitle an individual to the automatic expungement of criminal charges that result in an acquittal, dismissal, probation before judgement for driving under the influence of drugs or alcohol, nolle prosequi, a stet, or the completion of probation for a probation before judgment disposition. This would significantly streamline the expungement process and will have a significant impact on increasing access to employment and housing services.

SB 811 will help end homelessness by reducing barriers to employment and housing. Criminal records, including records of non-convictions, create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources like social safety net programs.<sup>1</sup> At Health Care for the Homeless, our clients have been denied gainful employment even due to having non-convictions on their record, causing them into homelessness or to remain homeless. This was the case with one of our clients, Stephanie.<sup>2</sup> In 2004, Stephanie was charged with a number of offenses, all of which were dismissed. Stephanie has tried for 15 years to find gainful employment, as a single mother who is homeless. She has been denied employment numerous times directly because of her criminal record. These employers explicitly cited her non-convictions as the reason to deny her employment. Such a criminal background, convictions or not, prevent individuals from financial stability and harm Maryland families. Non-convictions should unquestionably be automatically expunged as a matter of public policy.

**Health Care for the Homeless strongly supports SB 811 because it reduces barriers to employment and housing – and so is an important measure that will help reduce the incidence of homelessness.** SB 811 rightly recognizes that individuals should not be penalized or stigmatized for charges they received where they have paid their debt to society or for charges where they were never convicted in the first place. We urge a favorable report by the committee. As such, we strongly urge a favorable report by the committee.

*Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*

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<sup>1</sup> See American Public Health Association, *Housing and Homelessness as a Public Health Issue* (Nov. 2017), available at <https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>.

<sup>2</sup> To maintain confidentiality, we did not use the client’s real name.

**NCADD\_FAV\_SB811**

Uploaded by: CIEKOT, ANN

Position: FAV



**Senate Judicial Proceedings Committee**

**March 5, 2020**

**Senate Bill 811**

**Criminal Procedure - Partial Expungement**

**Support**

NCADD-Maryland strongly supports Senate Bill 811. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the unintended collateral damage caused by our drug policies. When people who struggle with substance use disorders get treatment and start the recovery process, criminal records are often huge barriers to success. Obtaining employment and housing is difficult, and sometimes impossible. Without a place to live or a reliable income, some people are much more likely to re-offend and/or return to alcohol and drug use.

Senate Bill 811 will allow people who have more than one charge or conviction to have each evaluated and processed on its own in attempts to expunge them from a person's record. Treating the charges or convictions individually may allow some people to reduce the number of items on their records, reducing the discrimination that so often follows those who have been incarcerated.

These kinds of policy changes are a necessary component to significantly improving our communities. When people have served their time, they should have the opportunities and supports needed to ensure they are able maintain productive lives and livelihoods with their families. Removing some of the barriers to success will also help people with substance use disorders maintain their recovery.

**We urge your support of Senate Bill 811.**

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

**susan\_fav\_sb811**

Uploaded by: FRANCIS, SUSAN

Position: FAV





## 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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SUSAN FRANCIS

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.

**GBC\_FAV\_SB811**

Uploaded by: Fry, Donald

Position: FAV



**TESTIMONY PRESENTED TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE**

**SENATE BILL 811 -- CRIMINAL PROCEDURE - AUTOMATIC EXPUNGEMENT**

**March 5, 2020**

**DONALD C. FRY  
PRESIDENT & CEO  
GREATER BALTIMORE COMMITTEE**

**Position: Support**

Senate Bill 811 establishes that, after October 1, 2020, the records of individuals charged with certain civil and criminal offenses will be automatically expunged if: (1) the person is acquitted, (2) the charge or warrant is dismissed or invalidated, (3) a probation before judgement is entered, (4) a *nolle prosequi*, other than a *nolle prosequi* with requirement of alcohol or drug treatment is entered, (5) the court indefinitely postpones the trial of the charge making it a “stet” on the docket. The expungement is processed at no cost to the eligible person and eligible persons are permitted to opt out of the automatic expungement if so desired.

According to research from the National Conference of State Legislatures (NCSL), approximately 77 million Americans—or one in three adults—have a criminal record. Individuals with criminal records face substantial legal and policy challenges at multiple levels that are significant barriers to employment. If enacted, Senate Bill 811 would significantly reduce the barrier to employment for individuals whose charges result in non-convictions. Criminal records can be difficult to read and understand for employers, so automatically removing those charges that did not result in a conviction will simplify the process for employers and job seekers.

This bill is consistent with findings of the GBC-led report, *Opening Doors to a Second Chance: Removing Barriers and Cultivating Job Opportunities for Returning Citizens and Job Seekers with a Criminal Background*. This report outlines specific initiatives that employers and elected leaders can take to remove barriers to employment and expand job opportunities for men and women returning to society after incarceration. Advocates who formed the coalition believed that lawmakers should encourage more businesses to hire returning citizens through policy change.

Additionally, the GBC’s 2020 Legislative Priorities specifically encourage policymakers to “strengthen expungement provisions to increase opportunities for employment.” Removing barriers to employment for justice-involved citizens can reduce recidivism rates, strengthen our workforce, and provide measurable benefits to society.

**For the reasons stated above, the Greater Baltimore Committee urges a favorable report for Senate Bill 811.**

*The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 65-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.*

**GREATER BALTIMORE COMMITTEE**

Suite 1700, 111 South Calvert Street, Baltimore, Maryland 21202-6180  
410. 727-2820. Fax 410. 539-5705

# **Baltimore Harm Reduction Coalition\_FAV\_SB811**

Uploaded by: Gudlavaletti, Rajani

Position: FAV

March 5, 2020

The Honorable William Smith Jr  
Chairman, Senate Judicial Proceedings Committee  
2 E, Miller Senate Office Building  
Annapolis, MD 21401



**Senate Bill 811 - Criminal Procedure – Automatic Expungement – FAVORABLE**

Dear Chair Smith and Senate Judicial Proceedings Committee members,

Baltimore Harm Reduction Coalition (BHRC), an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti- sex worker policies, supports Senate Bill 811 (Criminal Procedure – Automatic Expungement)

This bill will require Maryland courts to initiate expungement of charges that have been dismissed without the filing of a petition or payment of a fee by the person who is subject of the records.

**When law enforcement inappropriately charges a person with a crime that the courts deem inaccurate or unnecessary, the justice system has failed.** And it is simply unjust that a person must still maintain a “record” with that false charge listed unless they fill out a form and pay a fee. The burden of clearing the record for this person should fall back onto the justice system that failed in the first place.

This policy change is long overdue especially considering Black and impoverished Marylanders have been over-policed and unjustly brought into the correctional system for decades. **The burdensome administrative process to expunge one’s record effectively saddles many Marylanders with a criminal record,** despite changes in Maryland law to reduce or eliminate certain criminal charges. People who have had traumatic interactions with the judicial system are even less likely to approach a court to complete this process, creating more inequity in who the system serves to protect. **Automatic expungement is a fairer process and is one step to address the injustice of the application of criminal penalties.**

BHRC respectfully requests the Committee give this measure a **favorable report**. Thank you for your consideration.

For more information about BHRC or this position, please contact Tricia Christensen at [Tricia@BaltimoreHarmReduction.org](mailto:Tricia@BaltimoreHarmReduction.org).

**Nicole\_fav\_sb811**

Uploaded by: HANSON, NICOLE

Position: FAV



OUT FOR JUSTICE

## TESTIMONY IN SUPPORT OF SB 811

### **Criminal Procedure - Automatic Expungement -**

To: Chairman Will C. Smith, Jr. and Members of the Judicial Proceedings Committee

From: Nicole Hanson-Mundell, Out For Justice. Inc.

Date: 3/5/2020

Greetings Judicial Proceedings Committee, and thank you for the opportunity to write in strong support of Senate Bill 811. My name is Nicole Hanson-Mundell and I am the Executive Director of Out For Justice, a returning citizen and member-led nonprofit organization. Our mission is to engage, educate, and empower individuals with criminal records in Maryland to create structural change through legislation, policy reform and advocacy. We regularly confront the stigma and collateral consequences that come with possessing a criminal record.

Nationally, almost one in three individuals has some sort of criminal record. Many records include situations where charges were dropped or the individual was found not-guilty. However, about half of the records in the FBI database contain no information about case disposition, meaning that a background check or internet search of someone who was never convicted of anything could produce a misleading arrest record for a serious crime with no other details. This impacts a lot of Marylanders, as 73,000 cases were dropped in 2014 alone. Currently, those who had charges dropped, a PPJ, invalidated warrants etc or were found not guilty still have to wait 3 years to clear their record. This is unjust and puts these innocent individuals at a huge disadvantage in the job market.

In Maryland, there are over 10,000 collateral consequences of a criminal record, impacting employment; government loans, grants and benefits; housing; judicial rights; education; civic participation; and more. A criminal record is a huge barrier to financial and emotional wellbeing. Automatic Expungement with no fees attached allows individuals to make a first impression on a potential employer, landlord, or institution without the stigma of having to explain their record. This isn't letting people get away with crimes - this is giving Marylanders the deserving chance they need to be positive and productive citizens. How can we expect people to choose the right path if policy makers aren't willing to treat them fairly by passing legislation that automatic expungement of non-convictions. Hundreds of thousands of Marylanders need this bill in order to move on with support their families, and contribute to our state's economy as members of the workforce. I strongly urge you to vote in favor of SB 811 to ensure that hundreds of thousands of impacted Marylanders are able to access employment.

Respectfully Submitted,

Nicole Hanson-Mundell



# **BCSAO\_FAV\_SB811**

Uploaded by: mosby, Marilyn

Position: FAV



March 4, 2020

Senator William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

**Re: Support for Senate Bill 811 - Criminal Procedure - Automatic Expungement**

Dear Chairman Smith and Committee Members:

As the State's Attorney for Baltimore City, I stand in strong support of Senate Bill 811, which, if passed, will provide that a person who has been charged with the commission of a certain crime, has been charged with a certain civil offense or infraction, or is the subject of a certain warrant, will be entitled to automatic expungement of certain records under certain circumstances; specifies that certain dispositions are eligible for automatic expungement at certain times; and prohibits a person entitled to automatic expungement from being required to pay any fee or costs in connection with the expungement. A criminal record can serve as the cause and consequence of poverty, limiting access to economic and social stability. Criminal records can hinder people attempting to get jobs, find housing, or seek education.

My administration has always and will continue to value justice over convictions. Automatic expungement for individuals as they attempt to rebuild their lives is the embodiment of justice. Justice is what is fair and appropriate. Our office is uncompromisingly committed to accountability, professionalism, and transparency, and is working towards a future where community trust in the criminal justice is restored. This bill will go a long way towards achieving that goal.

For these reasons, we urge a favorable report on SB811.

Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style.

Marilyn J. Mosby  
State's Attorney for Baltimore City

**hprp\_fav\_sb811**

Uploaded by: TURNER, ALBERT

Position: FAV

# SB 811-Support

## Criminal Procedure – Automatic Expungement

Testimony of Albert Turner, Esq.  
Homeless Persons Representation Project, Inc.  
Thursday, March 5, 2020  
Senate Judicial Proceedings Committee

*Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.*

### **SB 811 will expand access to expungement for vulnerable Marylanders.**

The Homeless Persons Representation Project strongly supports SB 811. SB 811 provides that a person is entitled to automatic expungement if the person's charges result in a non-conviction. Under current law individuals must file a petition with the Court to expunge these charges. This petition system penalizes vulnerable individuals who are unaware of their legal rights to expungement and do not understand that these non-convictions appear on their criminal record. In addition, the current petition process is fraught with delays and getting worse. In Baltimore City it typically takes 5-6 months after a petition is filed to receive an Order from the Court. Further, while the current law requires custodians to expunge their records within 60 days of the Court Order that rarely occurs, instead taking 4-6 months. SB 811 will increase access to expungement by removing the barriers created by the complicated and lengthy Court petition process.

### **Criminal records disproportionately impact people experiencing homelessness and communities of color.**

The burden of criminal records falls disproportionately on Black and brown communities, the poor, and people experiencing homelessness. The number of Americans caught in the revolving door between homelessness and the criminal justice system are in the tens of thousands.<sup>1</sup> Roughly 48,000 people exit jail/prison into homelessness each year.<sup>2</sup> Formerly incarcerated people are almost 10 times more likely to be homeless, with Black women experiencing the highest rate of homelessness.<sup>3</sup>

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<sup>1</sup> U.S. Interagency Council on Homelessness, Reduce Criminal Justice Involvement, August 15, 2018, available at <https://www.usich.gov/solutions/criminal-justice>.

<sup>2</sup> Id.

<sup>3</sup> Prison Policy Initiative, Nowhere to Go: Homelessness among formerly incarcerated people, August 2018, available at <https://www.prisonpolicy.org/reports/housing.html>.



In Baltimore City 48% of homeless adults have at least 1 criminal charge<sup>4</sup> and, similar to national data, Black individuals are disproportionately impacted. While Black individuals represent 64% of Baltimore City residents, they comprise 82% of homeless individuals with criminal charges.<sup>5</sup> Criminal records both cause homelessness and prevent individuals from ending their homelessness. The faster criminal records can be expunged the faster individuals can end their homelessness.

**SB 811 will help homeless individuals gain greater access to housing and employment.**

Employers and landlords often discriminate against anyone with a criminal record regardless of its content, age or direct relationship to employment or housing. A 2015 national report on criminal record barriers to federally subsidized housing found that housing providers have unreasonably long lookback periods, 10 and even 20 years, for a wide variety of crimes.<sup>6</sup> Such practices exclude far more people than necessary to preserve public safety and result in the denial of housing to those with minimal criminal records including records of non-convictions. Permitting automatic expungement will increase access of individuals experiencing homelessness to the critical permanent housing resources and employment opportunities needed to end their homelessness.

**Please support SB 811 and issue a favorable report.**

If you have any questions, please contact Albert Turner, Esq. Homeless Persons Representation Project at 410-685-6589, ext. 21; [aturner@hprplaw.org](mailto:aturner@hprplaw.org)

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<sup>4</sup> Journey to Jobs: Understanding and Eliminating Barriers Imposed on Homeless Jobseekers, available at <https://www.journeyhomebaltimore.org/journey-to-jobs/>

<sup>5</sup> Id.

<sup>6</sup> Sargent Shriver National Center on Poverty Law, When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing, February 2015, available at <http://povertylaw.org/sites/default/files/images//publications/WDMD-final.pdf>



**caryn\_fav\_sb811**

Uploaded by: YORK, CARYN

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

**TESTIMONY IN SUPPORT OF SENATE BILL 811:**  
**AUTOMATIC EXPUNGEMENT- NON CONVICTIONS**

**TO:** Chairman. William C. Smith, and members of the Senate Judicial Proceedings Committee

**FROM:** Caryn York, Chief Executive Officer

**DATE:** March 5, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support Senate Bill 811 as a means of reducing the impact of incarceration on low wage workers and eliminating barriers to employment.

Currently, Marylanders can obtain an expungement for charges that result in an acquittal, dismissal of charges, nolle pros, stet, or Probation before Judgment (PBJ). In addition, individuals convicted or found not criminally responsible of specified public nuisance crimes are also eligible for expungement. However, many individuals are unaware that they have a record and do not move to seek expungement if they were found **not** guilty. As a result, thousands of Marylanders are stuck with dated records, many of which are non-convictions that hinder their ability to secure employment. Additionally, individuals seeking expungement services are subject to a waiting period that can last, in some cases, as long as fifteen years.

As reported in JOTF's "Criminalization of Poverty: How to Break the Cycle Through Policy Reform," the consequences of a criminal record are longstanding and nearly insurmountable. It presents an even larger barrier for communities of color, who are statistically more likely to be arrested, and account for nearly 72 percent of the prison population while only making up 24 percent of the state's population. Our report shows that an African-American male without a criminal record is less likely to be called back during the hiring process than a similarly qualified white male with a criminal record. This fact is further alarming juxtaposed with the state's unemployment rate, which is twice as much for African Americans.

Senate Bill 811 seeks to address this issue by automatically expunging charges for any individual found not guilty. This bill would also prohibit a person entitled to automatic expungement from being required to pay any fees in connection with the expungement.

Criminal records serve as both the cause and consequence of poverty for many Marylanders looking for work. JOTF fully supports any legislation that eliminates any barriers to employment for low-wage and low-income workers in the state of Maryland. For these reasons, we respectfully urge a favorable report of Senate Bill 811.

**MCPA-MSA\_UNF\_SB 811**

Uploaded by: Mansfield, Andrea

Position: UNF





# Maryland Chiefs of Police Association

## Maryland Sheriffs' Association



### MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and  
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5, 2020

RE: **SB 811 Criminal Procedure - Automatic Expungement**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 811. This bill would provide for the automatic expungement of records related to charges filed on or after October 1, 2020 that result in specified nonconviction dispositions.

MCPA and MSA, while understanding the desire to provide a second chance for persons in certain circumstances, generally oppose legislation that increases the categories for expungement because it could interfere with the necessary access to prior criminal information. In some instances, this could be a safety factor for law enforcement personnel in carrying out their official duties.

Each year, several pieces of legislation are introduced that seek to adjust the considerations and time frames under which expungement, pardons or shielding can be sought. MCPA and MSA believe such changes require participation and input from the judiciary, prosecutors and law enforcement and, rather than being dealt with in a piecemeal manner, should be addressed comprehensively in a process that involves all stakeholders and in a setting that is conducive to reasonable solutions while, at the same time, not effecting public safety.

For these reasons, MCPA and MSA OPPOSE SB 811 and urge an UNFAVORABLE Committee report.

# **SHELLENBERGER\_UNF\_SB811**

Uploaded by: Shellenberger, Scott

Position: UNF

Bill Number: SB811

Scott D. Shellenberger, State's Attorney for Baltimore County  
Opposed

**WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN**  
**OPPOSITION TO SENATE BILL 811,**  
**CRIMINAL PROCEDURE**  
**AUTOMATIC EXPUNGEMENT**

I write in opposition of Senate Bill 811 which would mandate automatic expungements. Over the last several years, the Legislature has greatly expanded the law of expungements. The expungement petitions we currently receive makes it nearly impossible to keep up with the workload.

To shift that burden to having the State keep track of and initiate the expungement is an unfunded mandate. Who is going to keep track of all these cases and the dates for when we have to expunge? My office would have to hire additional personnel just to track and expunge these records.

In addition, expunging a probation before judgment immediately after the conditions of probation have been satisfied does not make sense. Please remember prior to the entry of a probation before judgement, a Judge or jury have found the Defendant guilty. The guilty is stricken and a PBJ can be entered. A Judge may place the Defendant on three or five years' probation to see how the Defendant performs. If the conditions are completed in six months, then there will be no file or record should they get convicted of something else in three years. With Justice Reinvestment probation terms are now being abated. This will make expungement even earlier.

Further, this bill does not contain the factors which would make expungement unavailable. Most importantly, currently a probation before judgement cannot be expunged if the defendant commits another crime or crimes within three years of the PBJ. That does not exist in their bill. It makes no sense that a person can expunge a PBJ if they continue to commit crimes.

I urge an unfavorable report of Senate Bill 811.