



January 27, 2020

Delegate Luke Clippinger
Chair, Judiciary
House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Support for - Automatic Expungement – Possession of Marijuana

Dear Chairman Clippinger and Committee Members:

As the State's Attorney for Baltimore City, I strongly support HB0083 which allows for the automatic expungement of possession of marijuana charges.

The consequences of a run-in with the law can persist for decades after the formal sentence has been served. People with records face major barriers to employment, housing and education, effectively condemning them to second-class citizenship. In recent years, criminal justice reform efforts have increasingly focused on finding policy tools that can lower these barriers. The most powerful potential lever is the expungement of criminal convictions, which seals them from public view, removes them from databases, and neutralizes most of their legal effects.

Maryland in recognition of the collateral consequences associated with a criminal conviction, has a robust list of convictions that are expungable. Collateral consequences are legal, social, and economic debilities imposed as a result of a criminal conviction regardless of whether a convicted individual serves any time incarcerated. These consequences create social and economic barriers for individuals reentering into society by denying or restricting benefits otherwise available to all citizens. Collateral consequences are known to adversely affect adoptions, housing, welfare, immigration, employment, professional licensure, property rights, mobility, education and other opportunities—the collective effect of which increases recidivism and undermines meaningful reentry of the convicted for a lifetime.

These collateral consequences, can mean that our most vulnerable citizens, those most dependent on public housing, student aid, and living in poverty are more likely to be denied housing, public aid, subject to diminished employment opportunities, limited earning potential and an inability to find a way forward. In Baltimore, 28% of our residents live in poverty (16% more than the national average). The most impacted district regarding the enforcement of marijuana possession laws, the Western District is one of the most impoverished neighborhoods in the city. Here 95% of the residents are Black, the median household income is \$24,374 (citywide the median income is \$41,819) and the unemployment rate is 20% (city-wide this rate is only 13%). The collateral consequences of simple marijuana possession in this community, where 42% of the marijuana possession citations were issued for all of Baltimore City, only deepen the problems in the community, and leave individuals stuck in a cycle of poverty that is often driven by the collateral consequences of a conviction that does not have a public safety value and is discriminatorily enforced.

While expungement can lessen the impact of collateral consequences in one's life, the process of expunging a record is a barrier to expungement itself. Unfortunately, those eligible for expungement are not likely to apply for expungement. The University of Michigan Law School found that most people don't know they can get an expungement, or don't know how to do it, and don't have lawyers to advise them. And, people with records have often had painful experiences with the criminal justice system, making the prospect of returning to it, even for the expungement of a record, difficult.

STATE'S ATTORNEY
Marilyn J. Mosby



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While I do not prosecute marijuana possession, many in our State continue to do so and these charges come with collateral consequences that impact some of our most vulnerable residents across the state. Research shows that the vast majority of people who could expunge their criminal records never do so. This legislation addresses these issues and can improve the lives of many Maryland residents. Lastly, this legislation is an important and necessary step forward in repairing the damage to communities across our state that have been disproportionately affected by the enforcement of cannabis possession laws. For these reasons we urge you to favorably recommend HB 0083.

Thank you for your consideration.

Sincerely,

Marilyn J. Mosby
State's Attorney for Baltimore City