

March 10, 2020

The Honorable Luke Clippinger
Chairman, Judiciary Committee
The Maryland House of Delegates
6 Bladen Street, Room 101
Annapolis, MD 21401

RE: Testimony Supporting House Bill 1336 – Criminal Procedure – Partial Expungement

Dear Chairman Clippinger and Members of the Committee:

Thank you for your invitation to present testimony on HB1336. The Legal Aid Bureau, Inc. (“Maryland Legal Aid”) is a private, non-profit law firm that represents low-income persons in civil matters throughout Maryland. Maryland Legal Aid assists individuals and families with a wide array of civil legal issues, including criminal record expungement. Since July 2016, Maryland Legal Aid has represented over 10,000 Marylanders with record expungement, totaling over 47,000 case records, creating greater access to jobs, employment, education and other opportunities for these residents and their families.

Under current Maryland law, almost all criminal records that did not result in a conviction are eligible for expungement. However, the “unit rule” prevents expungement of eligible charges if one or more charges in the unit, i.e. charges stemming from the same incident, resulted in a conviction that is ineligible for expungement. As a consequence, many individuals are barred from clearing their record of crimes for which they were never convicted, solely because they were convicted of a lesser crime in the same unit.

Maryland Legal Aid conducts clinics in almost all of the Maryland counties and MLA attorneys frequently represent clients who cannot access employment, housing, and educational opportunities, despite never having been convicted of certain crimes. As employers and other entities often utilize the public case search system maintained by the Maryland Judiciary to screen individuals, HB1336 could remove much of the stigma and barriers faced by our clients by eliminating records of charges that did not result in a conviction. As Maryland Legal Aid clients repeatedly report, , employers do not always give much deference to the dispositions for each charge, but instead solely on the list of criminal charges. With the current law enforcing the unit rule, many criminal records appear deceptively lengthy, listing numerous offenses for which an individual was never convicted. If not for the existence of the unit rule, these charges not resulting in a conviction would be eligible for expungement.

Partial expungement would increase the ability of individuals to successfully re-enter society and obtain gainful employment. Clients consistently convey a sense of hopelessness and discouragement at facing a list of charges permanently locked on their records despite never being convicted of the majority of them. The proposed legislation would encourage and empower these individuals who have little to no employment

prospects to re-enter society and compete in the workforce. HB1336 would grant thousands of Marylanders a second chance and increase their opportunity to become productive members of the community.

In 2019, the Court of Special Appeals issued a reported opinion in *In Re Expungement Petition of Dione W.*, where it held that a partial expungement was appropriate where minor traffic convictions stemmed from the same unit as eligible incarcerable charges. It held that this type of conviction did not affect a petitioner's right to an expungement. Legal Aid has had success with this type of partial expungement since this decision; however, passing this legislation would greatly expand the opportunity for Marylanders to move on with their lives.

Thank you for providing Maryland Legal Aid the opportunity to comment on this important piece of legislation. Legal Aid supports HB1336 and asks that this committee give it a favorable report.

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Christina Ochoa, Staff Attorney, Community Lawyering Initiative
Maryland Legal Aid