

HB 1336 - Support

Criminal Procedure – Expungement – Partial Expungement

Testimony of Albert Turner, Attorney
Homeless Persons Representation Project, Inc.
Senate Judicial Proceedings Committee, March 10, 2020

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.

HB 1336 will permit expungement of all favorable dispositions

The Homeless Persons Representation Project strongly supports HB 1336 which provides for a partial expungement of certain charges in a unit. Currently, Maryland law provides that charges that arise from the same incident, transaction or set of facts are considered a unit, and in order to expunge any charges in a unit all charges in the unit must be eligible. An individual who has been convicted of a lesser misdemeanor charge cannot expunge a felony charge in the same unit even if that felony charge resulted in a favorable disposition like an acquittal, dismissal, or nolle prosequi. Unfortunately, many landlords and employers do not distinguish between convictions and favorable dispositions, leaving individuals judged as if they were convicted of all the charges in the unit, regardless of truth.

Under HB 1336 the charges eligible for partial expungement will be removed from electronic records like Maryland Judiciary Case Search and the Central Repository database. However, other police and court records such as the Court's paper file will not be affected and will remain available for inspection by law enforcement. In addition, if the unit contains a conviction that is not eligible for expungement that conviction will remain on the individual's record including Case Search and the Central Repository. This is a reasonable approach to expanding Maryland's expungement law by allowing all favorable dispositions to be expunged.

HB 1336 will allow homeless individuals to have greater access to housing and employment

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.¹ Roughly 48,000 people exit jail/prison into homelessness each year.² In Baltimore City, a recent report found that 48% of homeless adults have at least 1 criminal charge, and 43% have at least 1 expungeable criminal charge.³ Further,

¹ U.S. Interagency Council on Homelessness, *Criminal Justice Reform*, August 4, 2017, available at <https://www.usich.gov/solutions/criminal-justice>.

² Id.

³ Journey to Jobs: Understanding and Eliminating Barriers Imposed on Homeless Jobseekers, available at <https://www.journeyhomebaltimore.org/journey-to-jobs/>



Black individuals are disproportionately represented and negatively impacted. While Black individuals represent 64% of Baltimore City residents, they comprise 82% of homeless individuals with criminal charges.⁴

The more charges an individual can expunge the easier it is for that individual to end their homelessness. Criminal records are readily available to employers, landlords and other housing providers through public, internet-based sources. 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 treat criminal *arrests* the same as criminal *activity* even if the applicant was never convicted of the charged offense.⁵ This results in the denial of housing to those with minimal criminal records including records of non-convictions. Permitting partial expungements will increase access of individuals experiencing homelessness to the critical permanent housing resources and employment opportunities needed to end their homelessness and enhance their quality of life.

Please support HB 1336 and issue a favorable report.

If you have any questions, please contact Albert Turner, Attorney, Homeless Persons Representation Project at 410-685-6589, ext. 21; aturner@hprplaw.org

⁴ Id.

⁵ 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>

