



MARYLAND LEGAL AID

Advancing
**Human Rights and
Justice for All**

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February 1, 2022

Senator William C. Smith, Jr.
Chairman, Judiciary Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: Testimony Supporting Senate Bill 16 – Criminal Procedure – Expungement –
Mistaken Identity

Dear Senator Smith and Members of the Senate Judicial Proceedings Committee:

Thank you for the opportunity to present testimony in support of Senate Bill 16. Maryland Legal Aid (“MLA”) is a private, non-profit law firm representing low-income persons throughout Maryland. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law, and criminal record expungements to remove barriers to obtaining child custody, housing, a driver’s license, and employment. MLA supports Senate Bill 16 and asks that this committee give it a favorable report.

Charlotte Ahearn, Esq. will testify on behalf of MLA in support of SB16. Ms. Ahearn is part of MLA’s Community Lawyering Initiative, which brings legal services into communities to ensure that the most marginalized citizens have access to advocacy within our justice system. Since July 2016, MLA has represented over 10,000 Marylanders with criminal record expungement, totaling over 50,000 case records, creating greater access to jobs, employment, and other opportunities for residents and families. Additionally, MLA has saved clients almost one million dollars in expungement filing fees since 2016.

A criminal record affects the most critical aspects of people’s lives. Many Marylanders have lost jobs or been overlooked during the hiring process because of their record. It is difficult to volunteer for various organizations while having a criminal record. Similarly, landlords often reject potential tenants when background checks or the Maryland Judiciary Case Search cases appear. There are also restrictions on federal housing benefits for those touched by the criminal justice system.

SB16 will benefit many Marylanders, especially those in communities subject to over-policing and other manifestations of systemic oppression. Unfortunately, MLA’s clients suffer from their identities being stolen more often than one might think. Routinely, individuals’ names and identities are used as aliases for the

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actions of another individual. There is no legal remedy or mechanism in that situation to expunge those criminal records, even though the underlying case is eligible for expungement. MLA's clients then suffer the consequences and collateral damage of having a criminal record because of the actions of another person. This outcome is the antithesis of our judicial system. Individuals should not be penalized when their identity is mistaken.

SB16 will allow law-abiding Marylanders the opportunity to better themselves, their families, and their communities. This bill alleviates a burden that is insurmountable for thousands of Marylanders. MLA thanks you for the opportunity to provide testimony and strongly urges the committee to give SB16 a favorable report.

/s/ Charlotte Ahearn

Charlotte Ahearn, Esq.
Community Lawyering Initiative
Maryland Legal Aid