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

**Testimony of FreeState Justice
IN SUPPORT OF
SB138: Criminal Procedure – Expungement of Records – Expansion**

To the Honorable Chair William C. Smith, Jr., Vice Chair Jeff Waldstreicher, and esteemed members of the Judicial Proceedings Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community.

We write today in support of House Bill 122, which builds on the expungement reform law passed by the General Assembly last year by clarifying that automatic expungement applies to all charges disposed of on or after October 1, 2018 (rather than the ambiguous "beginning October 1, 2021" language currently in the Code) and by expanding its coverage to include charges with dispositions of Probation Before Judgment or Stet, where all court-ordered conditions have been satisfied.

Expungements make up a significant part of FreeState Justice's legal work on behalf of LGBTQ Marylanders. LGBTQ individuals are overrepresented in all stages of the criminal justice system, from arrest through incarceration, with rates especially high for transgender women of color, who are frequently targeted by police for simply existing in public spaces.

The situation is particularly dire for LGBTQ individuals experiencing housing instability or homelessness. Police routinely charge unhoused individuals with nuisance crimes in order to control where and how they exist in public spaces. While the vast majority of these charges are ultimately dismissed or not prosecuted, they can remain on an individual's record, creating long-term harm to their ability to find employment or a place to live.

FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland) is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.

With LGBTQ (especially transgender) individuals more likely to face housing instability because of family and societal hostility, expungement of these charges—charges that were never prosecuted or for which the individual has never been convicted—becomes an issue of fundamental equality. LGBTQ Marylanders—especially those with low incomes—should not face the burden of maneuvering through the complicated questions of which offenses are expungable, when the state is more than capable of making that assessment quickly and routinely on its own initiative.

For this reason, FreeState Justice urges a favorable report on Senate Bill 138.