



**JUSTICE FOR ALL**

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
**IN SUPPORT OF SB710: CRIMINAL PROCEDURE –  
EXPUNGEMENT OF RECORDS - MODIFICATION**  
**MARCH 8, 2022**

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Chairman Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 710. My name is Chris Sweeney, and I am a staff attorney at Maryland Volunteer Lawyers Service (MVLS), where I manage our Workforce Development Project. MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders throughout the state. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. Through our Workforce Development project, we represent many clients seeking sustainable, fulfilling employment. One of the major barriers to employment is a criminal record, and we have represented over 750 clients in expungement proceedings. For the reasons explained below, MVLS respectfully requests the committee return a favorable report on SB 710.

MVLS' Workforce Development Project is a partnership with occupational training programs in Baltimore City and is a continuation of the Mayor's Office's 'One Baltimore for Jobs' pilot program. The Mayor's Office of Employment Development began One Baltimore for Jobs to respond to the civil unrest in 2015. The project supports job programs, social services programs, and legal services programs in Baltimore, connecting those programs with support from state agencies such as the Office of Child Support and the Motor Vehicle Administration. Though funding for legal services via One Baltimore for Jobs has ended, MVLS has continued its part of the project and currently supports six workforce programs in Baltimore. MVLS works with Civic Works, Job Opportunities Task Force, Jane Addams Resource Corporation, Caroline Center, Biotechnical Institute of Maryland, Bon Secours Community Works, and Helping Up Mission to provide 'wrap-around' services – supplementing the trainees' workforce training and social services with legal services. The goal of the program is to make participants more job-ready by reducing barriers to employment.

Each of the clients we serve through the Workforce Development Project is enrolled in courses to receive job skills training and certification in welding, machine operation, nursing, pharmacy tech, construction, and weatherization. These non-profit programs are free to students and aim to provide re-entry opportunities for the previously incarcerated or those who lacked educational and employment opportunities due to poverty. The majority of clients we see through this project have criminal cases on their records.

Under Maryland's current expungement law, people who have a handful of convictions for non-violent crimes are often trapped with a permanent criminal record. Waiting periods of ten to fifteen years for a single conviction are prohibitive enough for those seeking to

stabilize their life through employment and housing. But these waiting periods, in conjunction with the subsequent conviction rules, make it quite rare for anyone with more than one conviction to obtain expungement. I have assisted many people who lived through a period of poverty, addiction, and crime. This resulted in a cluster of convictions on their record, spanning a few years. Though these clients have left their past behind them and completed all court-ordered sentencing, they are denied jobs and housing due to events that took place more than fifteen years ago, sometimes even thirty years ago. Shortening waiting periods for the expungement of convictions will allow people to become engaged members of society rather than be continually punished for their past actions.

A recent report by Collateral Consequences Resource Center, which I have included here as an attachment, found that of U.S. states that allow criminal record clearing, Maryland is one of only three states with waiting periods in the double digits for misdemeanors.

Importantly, this bill authorizes expungement of convictions only after the completion of sentence, including incarceration, parole, and/or probation. Someone who has served their time according to the lengths deemed just by our courts need not be punished again when they apply for a job fifteen years later. Maryland should not be a state where people are forever defined by their worst moments.

Another crucial aspect of this bill is the expansion of the types of offenses eligible for expungement. Having represented over 750 clients seeking expungement, I am closely familiar with how our current law works. The enumerated list of misdemeanors, and a few felonies, that are currently singled out for eligibility has resulted in a number of unjust and unintended outcomes. For example, malicious burning of property in the 2<sup>nd</sup> degree is an eligible conviction, but malicious destruction of property is not. Certain types of public alcohol consumption are listed, but “Open Container” is not specifically mentioned, causing some courts to reject applications for this charge. Moderately serious offenses like felony theft are eligible, but almost no comparatively minor traffic offenses, such as driving without a license, are eligible. Only in the previous legislative session was the obvious error of allowing 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree burglary to be expunged, but not 4<sup>th</sup> degree, corrected. The most minor of crimes, such as trespassing, require a ten-year waiting period to expunge. These unjust consequences can be avoided by including all misdemeanors in the statute and lowering wait times.

I have represented hundreds of clients who were convicted of an eligible offense, say drug possession, ten or fifteen years ago, only to have that case permanently blocked due to a subsequent conviction for a traffic offense. Many traffic offenses, most of which are ineligible for expungement, are the result of inability to pay fines and fees, and a permanent criminal record only hurts a person’s chances of obtaining gainful employment and paying back those debts.

MVLS has been fighting to even the playing field for low-income Marylanders for decades, and we know that these members of our community face significant financial obstacles when trying to put their lives back on track. SB710 would advance our vision of a more just Maryland. This vision includes a system where people convicted of non-violent crimes, who have paid their debt to society and left their past behind them, can seek employment without fear of rejection. We at MVLS respectfully request a favorable report on Senate Bill 710.

Mister Chairman and members of the Committee, thank you again for the opportunity to testify.