



BILL NO: Senate Bill 138

TITLE: Criminal Procedure – Expungement of Records – Expansion

COMMITTEE: Judicial Proceedings

HEARING DATE: February 1, 2022

SUBMITTED BY: Caroline Ackerman, Managing Attorney of Maryland Legal Services & Special Projects, Amara Legal Center

POSITION: SUPPORT

The Amara Legal Center writes to support Senate Bill 138 (SB138). We are grateful that Senator Patterson introduced this important legislation to expand automatic expungement eligibility. Thank you for giving us the opportunity to share our thoughts.

The Amara Legal Center (“Amara”) provides free legal services in Washington, D.C., Maryland, and Northern Virginia to survivors of sex trafficking and to anyone whose rights are violated while involved in commercial sex. Since 2013, Amara has served over 500 clients. Although many believe that sex trafficking only occurs overseas or among foreign nationals, the vast majority of Amara’s clients are U.S. citizens, both juveniles and adults born and raised in the D.C. metro area. Amara provides brief legal advice, partial and full representation for civil legal issues such as civil protection orders, divorce, child custody and support, and name changes. In addition to civil legal services, Amara provides victim-witness advocacy for clients working with law enforcement, criminal/juvenile defense, and representation in criminal record sealing and expungement cases.

As a result of the power and control exercised by their traffickers, victims engage in activities in which they would not have otherwise engaged. These activities often lead to victims’ arrests, which create victim-defendants in the criminal legal system. Involvement in the criminal legal system impacts most of Amara’s clients, regardless of the legal issues clients are seeking to resolve. Involvement may come from being arrested for prostitution or solicitation; arrests for drug use; mental illness that may precede, occur during, or be exacerbated by sex trafficking; struggles with housing insecurity and homelessness; and a variety of crimes related to survival such as shoplifting and trespassing. These cases are often resolved with settlements, such as a Stet or Probation Before Judgment. The current law allows defendants to petition the court for expungement of cases with a Stet or Probation Before Judgment after three years if certain conditions are met. SB138 would enable individuals who have complied with the conditions of their settlement to receive an automatic expungement after three years without petitioning the court. This bill would benefit survivors who may not be aware of their right to petition the court after three years or may not have the resources to pursue a petition. Additionally, this bill would encourage judicial expediency because there would be no petition or hearing necessary for individuals who qualify for automatic expungement. Survivors who have criminal records as a result of their victimization often face barriers to employment, education, and housing. Expanding the automatic expungement law to include Stet and Probation of Judgment dispositions will provide greater access to justice and stability for survivors and other defendants who have successfully complied with the conditions imposed by the court.

For the aforementioned reasons, Amara strongly supports SB138. We respectfully urge a favorable report.