



**TESTIMONY IN SUPPORT OF SENATE BILL 710:**

**Criminal Procedure – Expungement of Records – Modifications**

TO: Hon. Will Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: **Heather Warnken, Executive Director, Center for Criminal Justice Reform, University of Baltimore School of Law**

DATE: March 8th, 2022

Good afternoon Chairman Smith and members of the Committee. My name is Heather Warnken and I am the Executive Director of the University of Baltimore School of Law’s Center for Criminal Justice Reform. The Center is dedicated to supporting community driven efforts to improve public safety and address harm and inequity caused by the criminal legal system.

In direct alignment with this mission, we are grateful for this opportunity to testify in support of Senate Bill 710. The impact of incarceration on individuals, families and communities is staggering, including the long list of collateral consequences that can follow a justice-involved individual for years, well after a case concludes. These impacts span numerous areas central to a person’s ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.

A [groundbreaking study just published in the journal Science Advances](#) sheds new light on the staggering impact of a criminal record on employment prospects specifically - not just for individuals but for the economy as a whole.<sup>1</sup> The study found that the stigma of a criminal record runs deeper than had ever previously been quantified: finding that more than half of unemployed men in their 30s have criminal records. Among 35-year-old unemployed men, 64 percent have been arrested and 46 percent have been convicted of a crime. The population of unemployed Americans is “uniquely saturated with individuals who have histories of involvement with the criminal justice system,” the study notes.

One smart and urgent way to address this is through the exact type of solutions posed in Senate Bill 710.

Every year, the approximately 15,000 Marylanders released from state prisons face substantial hurdles to their successful reentry. One out of three Marylanders returning from incarceration return to Baltimore City where our Center is located. It should light a fire under all of us to know that the racial disparities surrounding incarceration and the disenfranchisement it causes in this state are the highest in the nation: 72% of Maryland's prison population is black.

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<sup>1</sup> <https://www.science.org/doi/10.1126/sciadv.abj6992>.



Given the substantial hurdles to successful reentry, the high rates of recidivism should not surprise us. The Department of Justice has [found](#) half of all returning citizens recidivating within 3 years and 60 percent recidivating within 5 years.<sup>2</sup> The inability of returning citizens to find a job is a substantial driver of this, with up to 60 percent of formerly incarcerated persons remaining unemployed one year after their release.

Maryland has substantially longer waiting periods for expungement than most other states in the nation. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most nonviolent misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are far longer than the actual sentence.

According to a [recently released report](#) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah.<sup>3</sup> With regards to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma.

Senate Bill 710 is a common sense policy that will open doors to employment and more for many among the 1.5 million Marylanders currently shut out of the workforce due to a criminal record. The provisions of this bill are well in line with what states across the country and across the political spectrum are embracing on this issue. For these reasons, we urge a favorable report on Senate Bill 710.

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<sup>2</sup> <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-30-states-2005-patterns-2005-2010-update>.

<sup>3</sup> <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>.