

# **WDC Testimony SB0138-2022\_FINAL.pdf**

Uploaded by: Beth Tomasello

Position: FAV



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**Senate Bill 0138 – Criminal Procedure – Expungement of Records – Expansion  
Senate Judicial Proceedings Committee – Feb. 1, 2022 at 1pm  
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of Maryland's largest and most active Democratic Clubs with hundreds of politically active women and men, including many elected officials.

WDC urges the passage of **SB0138**. This bill will expand the scope of automatic expungements of certain police and court records to include cases resolved through "probation before judgment" and "stet" if all court-ordered provisions have been satisfied.

Expunging records of low-level offenses helps people charged with low-level crimes and will help affected people qualify for housing, loans, government assistance and jobs. People whose cases are resolved through "probation before judgment" and "stet" are not convicted of crimes. Having a police record generally makes life harder for them and for the families who depend upon them.

In the name of justice, we must clear people of unimportant criminal records. Maryland has for too long penalized people for being poor, creating *de facto* debtors' prisons, and trapping many in a vicious cycle where the smallest interaction with the criminal justice system becomes a life sentence. According to the National Women's Law Center, 9.4% of women in Maryland live in poverty, with 24.3% of female-headed households in Maryland living below the poverty line. We must remove unjust barriers for men and women that prevent them from supporting their families and perpetuate the cycle of poverty in over-policed and over-incarcerated communities.

These policies and practices also disproportionately affect people of color and their communities. According to a 2019 report from The Sentencing Project, Maryland's Black population accounts for 30%, but they account for 70+% of state prisoners. Latinos account for 4% of the population, and 10% of the prison population. There is every reason to believe that the same kind of bias exists in charging low-level offenses.

Automatically removing obstacles to living one's life is a critical piece of building a just and equitable society.

**We ask for your support for SB0138 and strongly urge a favorable Committee report.**

Respectfully,

Leslie Milano  
President



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

[www.womensdemocraticclub.org](http://www.womensdemocraticclub.org)

**sb138.pdf**

Uploaded by: Brian Seel

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of District 46. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

We are in unprecedented times right now, where supply shortages have caused drops in housing stock and impacted the make-up of employment in Maryland and beyond. As a result, the presence of a criminal record can significantly alter the opportunities available for people to find secure housing and financial security for themselves and their families. Maryland's commitment to reducing these barriers by making automatic expungement an upcoming reality shows a belief by lawmakers that criminal records for non-guilty verdicts shouldn't be the thing that denies someone an opportunity to live and work fairly and freely.

This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
**Brian Seel**  
**223 S Wolfe St**  
Showing Up for Racial Justice Baltimore

# **SB0138 2022-01-28 Testimony to Senate Judicial Pro**

Uploaded by: C.P. Hoffman

Position: FAV



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January 28, 2022

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.



# **Written Testimony SB138 1.28.22 (1).pdf**

Uploaded by: Caroline Ackerman

Position: FAV



**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.

# **SB138 Auto expunge HPRP testimony.pdf**

Uploaded by: Carolyn Johnson

Position: FAV

# **SB-138-Support**

## **Criminal Procedure-Expungement of Records-Expansion**

Testimony of Carolyn Johnson, Managing Attorney  
Homeless Persons Representation Project, Inc.  
Tuesday, February 1, 2022  
Senate Judicial Proceedings Committee

*Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.*

### **SB 138 will expand access to expungement for vulnerable Marylanders.**

The Homeless Persons Representation Project strongly supports SB 138. SB 138 will expand the types of non-convictions eligible for automatic expungement to include charges placed on the stet docket and probations before judgement. Under current law individuals must file a petition with the Court to expunge these charges. This petition system penalizes vulnerable individuals who are unaware of their legal rights to expungement and do not understand that these non-convictions appear on their criminal record. In addition, the current petition process is fraught with delays and getting worse. In Baltimore City it typically takes 5-6 months after a petition is filed to receive an Order from the Court. Further, while the current law requires custodians to expunge their records within 60 days of the Court Order that rarely occurs, instead taking 4-6 months. SB 138 will increase access to expungement by removing the barriers created by the complicated and lengthy Court petition process.

### **Criminal records disproportionately impact people experiencing homelessness and communities of color.**

The burden of criminal records falls disproportionately on Black and brown communities, and people experiencing homelessness. The number of Americans caught in the revolving door between homelessness and the criminal justice system are in the tens of thousands.<sup>1</sup> Roughly 48,000 people exit jail/prison into homelessness each year.<sup>2</sup> Formerly incarcerated people are almost 10 times more likely to be homeless, with Black women experiencing the highest rate of homelessness.<sup>3</sup>

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<sup>1</sup> U.S. Interagency Council on Homelessness, Reduce Criminal Justice Involvement, August 15, 2018, available at <https://www.usich.gov/solutions/criminal-justice>.

<sup>2</sup> Id.

<sup>3</sup> Prison Policy Initiative, Nowhere to Go: Homelessness among formerly incarcerated people, August 2018, available at <https://www.prisonpolicy.org/reports/housing.html>.



In Baltimore City 48% of homeless adults have at least 1 criminal charge<sup>4</sup> and, like national data, Black individuals are disproportionately impacted. While Black individuals represent 64% of Baltimore City residents, they comprise 82% of homeless individuals with criminal charges.<sup>5</sup> Criminal records both cause homelessness and prevent individuals from ending their homelessness. The faster criminal records can be expunged the faster individuals can end their homelessness.

**SB 138 will help homeless individuals gain greater access to housing and employment.**

Employers and landlords often discriminate against anyone with a criminal record regardless of its content, age or direct relationship to employment or housing. A 2015 national report on criminal record barriers to federally subsidized housing found that housing providers have unreasonably long lookback periods, 10 and even 20 years, for a wide variety of crimes.<sup>6</sup> Such practices exclude far more people than necessary to preserve public safety and result in the denial of housing to those with minimal criminal records including records of non-convictions. Expanding automatic expungement will increase access of individuals experiencing homelessness to the critical permanent housing resources and employment opportunities needed to end their homelessness.

**Please support SB 138 and issue a favorable report.**

If you have any questions, please contact Carolyn Johnson, Managing Attorney, Homeless Persons Representation Project at 410-685-6589, ext. 23; [cjohnson@hprplaw.org](mailto:cjohnson@hprplaw.org)

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<sup>4</sup> Journey to Jobs: Understanding and Eliminating Barriers Imposed on Homeless Jobseekers, available at <https://www.journeyhomebaltimore.org/journey-to-jobs/>

<sup>5</sup> Id.

<sup>6</sup> Sargent Shriver National Center on Poverty Law, When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing, February 2015, available at <http://povertylaw.org/sites/default/files/images/publications/WDMD-final.pdf>



# **SB 138 (Expungement of Records).pdf**

Uploaded by: Carrie Williams

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6422

January 28, 2022

To: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: Carrie J. Williams  
Office of the Attorney General

Re: SB 138 – Criminal Procedure—Expungement of Records—Expansion

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The Office of the Attorney General urges the Judicial Proceedings Committee to favorably report SB 138.

SB 138 expands the automatic expungement after three years for possession of marijuana arrests from those that occurred after October 1, 2021 to those that occurred after October 1, 2018. It also expands those cases entitled to expungement to include cases resolved by probation before judgment or a placement on the stet docket so long as all of the conditions of probation or the stet disposition have been satisfied.

Automatic expungement ensures that persons eligible for expungement for minor possession of marijuana charges receive the benefit to which they are entitled. By expanding the timeframe for automatic expungement, we are reducing the number of people forced to hire counsel or navigate the legal system in order to reap the benefits of expungement.

Expanding the entitlement of expungement to those who received a probation before judgment or a stet for possession of marijuana charges (assuming they satisfied the conditions of the disposition) is consistent with the evolving societal attitudes toward the possession of small amounts of marijuana. Those with diversionary-type dispositions like probation before judgment and placement on the stet docket should be entitled to expungement of these charges after they complete the terms of their diversionary disposition.

For these reasons, the Attorney General urges the Judicial Proceedings Committee to issue a favorable report for SB 138.

cc: Committee Members

# **SB0138\_Expungement\_Expansion\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV





**TESTIMONY FOR SB0138**  
**Criminal Procedure – Expungement of Records – Expansion**

**Bill Sponsor:** Senator Patterson

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0138 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

This bill expands the charges that can be expunged from a person's criminal record to include charges in which a probation before judgement verdict was delivered. This means that offenders who received probation, rather than a sentence, and met the terms of their probation can get the charges expunged within three years after the probation has been completed.

This seems more than fair, given that probation is a sentence that is reserved for minor crimes. A person who fulfilled the terms of their probation should not have that charge sitting on their record for the rest of their life.

We support this bill and recommend a **FAVORABLE** report in committee.

# **SB138\_FAV\_JOTF.pdf**

Uploaded by: Christopher Dews

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## **TESTIMONY IN SUPPORT OF SENATE BILL 138:**

### **Criminal Procedure – Expungement of Records – Expansion**

**TO:** Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

**FROM:** Christopher Dews, Senior Policy Advocate

**DATE:** February 1, 2022

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-skill, low-wage workers and job seekers in Maryland. We support Senate Bill 138 as a means of expanding access to expungements for those not found guilty of a charge.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the 25% of working-age Marylanders with a record. The Collateral Consequences Resource Center estimates that there are over 1100 consequences of having a criminal record, including barriers to employment, housing, education, public assistance, and occupational licensing. Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. 70% of employers in Maryland will conduct a background check on *all* of their job applicants and will deny employment on the basis of the appearance of a record, regardless if the individual was found guilty or not. For this reason, if we desire to ensure solid access to employment for all workers- especially for those who *have not* been convicted of a crime, automatic expungement of *all* non-convictions is necessary.

In 2021, the Maryland General Assembly [passed legislation](#) that allowed for the automatic expungement of certain non-convictions (acquittals, dismissals, and nolle pros)- allowing for more than 77,000 Marylanders to have not-guilty verdicts expunged from their records without having to petition. This was a phenomenal success but probations before judgment (PBJs) and stets were removed from the bill in last-minute negotiations.

A probation before judgment means that a person has been placed on probation before any criminal judgment has been entered against them. Once the terms of probation are fully completed, the [charge is then considered a non-conviction](#). It is a somewhat similar situation with stets. [A stet, which literally means “let it stand”](#), indicates that a case has been listed as *inactive* by the court. The charges are not dropped, nor is the defendant determined to be innocent or guilty. Again, the individual is not convicted and the charges are suspended almost indefinitely.

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

In Maryland, the expungement of PBJs and stets are not automatic. To begin the process of expungement, a petitioner must file a petition for expungement with the court under [§ 10-105](#) or [§ 10-110](#) of the Criminal Procedure Article for every interaction with the criminal justice system. Due to Maryland's statute of limitations, a court or police record may not be expunged by obliteration until three (3) years after the disposition of the charge. Both [probations before judgment \(PBJs\)](#) and [stets are available for a petition of expungement three years](#) after the satisfactory completion of any probationary standards. There is no cost for the expungement of charges that did not result in a conviction; however, a written petition requesting expungement of records is required.

Many individuals with non-conviction charges, PBJs, or stets are wholly unaware that they even have a criminal record that is viewable by the public. As such, they do not move to seek expungement because they were not found guilty. As a result, thousands of Marylanders are stuck with dated records, many of which are non-convictions that hinder their ability to secure employment.

Senate Bill 138 seeks to address this issue by expanding on the [recently created automatic expungement statute](#) by adding certain PBJs and stets to the list. A criminal record for probationary charges that have been dropped or voided in the court system should not hang over anyone's head. JOTF fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in the state of Maryland. Senate Bill 138 does just that- it removes another unnecessarily punitive barrier to employment. For these reasons, we respectfully urge a favorable report of Senate Bill 138.

# **SB138 Written Testimony.pdf**

Uploaded by: Christopher Sweeney

Position: FAV

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
**IN SUPPORT OF SB138: CRIMINAL PROCEDURE –**  
**EXPUNGEMENT OF RECORDS - EXPANSION**  
**FEBRUARY 1, 2022**

Susan Francis  
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Marc E. Shach  
Dennis J. Shaffer  
James Tansey

Chairman Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 138. 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 138.

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' 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. Most of these criminal cases did not result in a conviction but nevertheless prevent our clients from obtaining jobs and housing. SB138 would help people charged with a crime (but not convicted) free themselves from the stigma of a criminal record.

From a practical point of view, the addition of Probation for Judgment and Stet dispositions to the automatic expungement process would eliminate burdens on job-seekers. I have seen first-hand how often criminal records prevent people from entering the workforce. Reducing barriers to employment can only be a boon to Maryland's economy. Any cost associated with processing these expungements is an investment in our state's workforce.

From a legal perspective, SB138 would not create any special treatment for former criminal defendants, or reduce the qualifications for expungement in any way. It would simply streamline the process, allowing those who have already met the legal requirements for expungement to have their case removed from public view. Anyone who has satisfied the conditions of their probation or stet, has waited three years, is not currently facing charges, and in the case of probation before judgment has been free from subsequent convictions, is entitled to expungement under existing Maryland law. SB138 keeps all of these requirements in place and eliminates the burden of making the defendant pro-actively file an expungement for a case in which they are not legally guilty of any crime.

Having represented over 750 clients seeking expungement, with an average of 3 to 4 eligible cases per client, we have filed thousands of expungement petitions with the courts. SB138 would not only help people obtain jobs, but it would also reduce the burden on the court system and legal services organizations. MVLS estimates that about 75% of all criminal cases are eligible for expungement, and currently there are over one million cases eligible for expungement in Maryland. Legal services organizations currently file several thousand expungement petitions each year. Bringing the effective date for automatic expungement back to October 1<sup>st</sup>, 2018 would greatly impact thousands of Marylanders seeking to move forward with their lives. Over time, automatic expungement of non-convictions would reduce the number of petitions filed, reducing the court system's administrative burden. Automatic expungement would also free up the valuable time of legal service organizations working to improve the lives of those in need.

Expanding automatic expungement of non-convictions is a step toward a more just Maryland. Even with the substantial improvements made in last year's automatic expungement legislation, thousands of cases without a conviction are left on people's records. Probations Before Judgement, Stets, and other non-convictions occurring before October 1, 2021 are still negatively impacting job seekers throughout Maryland. Since a person not convicted of a charge is presumed innocent, justice dictates that the criminal charge is not held against them. Those seeking to leave their past behind and enter the workforce deserve expungement without the burden of additional legal proceedings.

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. SB138 would advance our vision of a more just Maryland. This vision includes a system where people charged with, but not convicted of, crimes, and those who have paid their debt to society in the form of probation or other court-ordered requirements, can leave that past behind and seek employment without fear of rejection. We at MVLS respectfully request that you vote yes on SB138.

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

# **SB 138 - Automatic Expungement Expansion.pdf**

Uploaded by: Daryl Yoder

Position: FAV



Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of District 12 and a volunteer with Out For Justice, an organization that advocates and provides services for the formerly and currently incarcerated. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, were acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

We are in unprecedented times right now, where supply shortages have caused drops in housing stock and impacted the make-up of employment in Maryland and beyond. As a result, the presence of a criminal record can significantly alter the opportunities available for people to find secure housing and financial security for themselves and their families. Maryland's commitment to reducing these barriers by making automatic expungement an upcoming reality shows a belief by lawmakers that criminal records for non-guilty verdicts shouldn't be the thing that denies someone an opportunity to live and work fairly and freely.

This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder

309 Glenmore Ave.

Catonsville, MD 21228

Showing Up for Racial Justice Baltimore

# **SB 138 - Automatic Expungement Expansion.pdf**

Uploaded by: Erica Palmisano

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of 12. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

We are in unprecedented times right now, where supply shortages have caused drops in housing stock and impacted the make-up of employment in Maryland and beyond. As a result, the presence of a criminal record can significantly alter the opportunities available for people to find secure housing and financial security for themselves and their families. Maryland's commitment to reducing these barriers by making automatic expungement an upcoming reality shows a belief by lawmakers that criminal records for non-guilty verdicts shouldn't be the thing that denies someone an opportunity to live and work fairly and freely.

This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,

Erica Palmsiano  
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044  
Showing Up for Racial Justice Baltimore

# **HB0122-FAV-TPM.pdf**

Uploaded by: Holly Syrrakos

Position: FAV



**HB122 – SUPPORT**

**Holly Syrrakos**

**Takoma Park Mobilization**

**[hollyrockus@gmail.com](mailto:hollyrockus@gmail.com); 301-312-2525**

**House Bill 0122 – SUPPORT**

**Criminal Procedure – Expungement of Records – Expansion**

House Judiciary Committee — Feb. 1, 2022 at 1pm

Dear Chair Clippinger, Vice Chair Moon, and Members of the House Judiciary Committee:

My name is Holly Syrrakos and I represent Takoma Park Mobilization, an advocacy organization with a following of over 2,500, active in environmental, justice, economic, and electoral matters. **We are in SUPPORT of HB122.**

This bill will expand the scope of automatic expungements of certain police and court records to include cases resolved through probation before judgment and stet, if all court-ordered provisions have been satisfied.

Expunging records of people charged with low-level offenses will help affected people qualify for housing, loans, government assistance and jobs. People whose cases are resolved through probation before judgment and stet are not convicted of crimes and a police record generally makes life harder for them and for the families who depend upon them.

In the name of justice, we must clear people of unimportant criminal records. Maryland has for too long penalized people for being poor, creating *de facto* debtors' prisons and trapping many in a vicious cycle where the smallest interaction with the criminal justice system becomes a life sentence. Twenty-four percent of female-headed households in Maryland have income below the poverty line. Removing barriers for men and women that prevent them from supporting their families will help to end the cycle of poverty.

Policies and practices that penalize poverty disproportionately affect people of color. Maryland's Black population accounts for 30%, but 70+% of the state prison population. Latinos account for 4% of the population, and 10% of the prison population. There is every reason to believe that the same kind of bias exists in charging low-level offenses.

Automatically removing obstacles to providing for one's self and one's family is a critical piece of building an equitable society. Legislators can make residents lives easier or more difficult— we urge you to end policies that create undue burdens.

**We ask for your support for HB0122 and strongly urge a favorable Committee report.**

Thank you.

# **SB0138-FAV-TPM.pdf**

Uploaded by: Holly Syrrakos

Position: FAV



**SB138 – SUPPORT**

**Holly Syrrakos**

**Takoma Park Mobilization**

[hollyrockus@gmail.com](mailto:hollyrockus@gmail.com); 301-312-2525

**Senate Bill 0138 – SUPPORT**

**Criminal Procedure – Expungement of Records – Expansion**

Senate Judicial Proceedings Committee — Feb. 1, 2022 at 1pm

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

My name is Holly Syrrakos and I represent Takoma Park Mobilization, an advocacy organization with a following of over 2,500, active in environmental, justice, economic, and electoral matters. **We are in SUPPORT of SB138.**

This bill will expand the scope of automatic expungements of certain police and court records to include cases resolved through probation before judgment and stet, if all court-ordered provisions have been satisfied.

Expunging records of people charged with low-level offenses will help affected people qualify for housing, loans, government assistance and jobs. People whose cases are resolved through probation before judgment and stet are not convicted of crimes and a police record generally makes life harder for them and for the families who depend upon them.

In the name of justice, we must clear people of unimportant criminal records. Maryland has for too long penalized people for being poor, creating *de facto* debtors' prisons and trapping many in a vicious cycle where the smallest interaction with the criminal justice system becomes a life sentence. Twenty-four percent of female-headed households in Maryland have income below the poverty line. Removing barriers for men and women that prevent them from supporting their families will help to end the cycle of poverty.

Policies and practices that penalize poverty disproportionately affect people of color. Maryland's Black population accounts for 30%, but 70+% of the state prison population. Latinos account for 4% of the population, and 10% of the prison population. There is every reason to believe that the same kind of bias exists in charging low-level offenses.

Automatically removing obstacles to providing for one's self and one's family is a critical piece of building an equitable society. Legislators can make residents lives easier or more difficult—we urge you to end policies that create undue burdens.

**We ask for your support for SB0138 and strongly urge a favorable Committee report.**

Thank you.

# **SB138\_FAV\_DecrimMD.pdf**

Uploaded by: Iman Freeman

Position: FAV





**TESTIMONY IN SUPPORT OF SENATE BILL 138:**  
**Criminal Procedure – Expungement of Records – Expansion**

**TO:** Hon. William Smith, Chair, and members of the Senate Judicial Proceedings Committee

**FROM:** Iman Freeman - Chair of the People's Commission

**DATE:** February 1, 2022

The People's Commission to Decriminalize Maryland was established in 2019 with the purpose of reducing the disparate impact of the justice system on Marylanders who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability, or socioeconomic status. We support Senate Bill 138 as a means of expanding access to expungements for those not found guilty of a charge.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the 25% of working-age Marylanders with a record. The Collateral Consequences Resource Center estimates that there are over 1100 consequences of having a criminal record, including barriers to employment, housing, education, public assistance, and occupational licensing. Worse yet, in the state of Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. 70% of employers in Maryland will conduct a background check on *all* of their job applicants and will deny employment on the basis of the appearance of a record, regardless if the individual was found guilty or not. For this reason, if we desire to ensure solid access to employment for all workers- especially for those who *have not* been convicted of a crime, automatic expungement of *all* non-convictions is necessary.

In 2021, the Maryland General Assembly [passed legislation](#) that allowed for the automatic expungement of certain non-convictions (acquittals, dismissals, and nolle pros)- allowing for more than 77,000 Marylanders to have not-guilty verdicts expunged from their records without having to petition. This was a phenomenal success but probations before judgment (PBJs) and stets were removed from the bill in last-minute negotiations.

A probation before judgment means that a person has been placed on probation before any criminal judgment has been entered against them. Once the terms of probation are fully completed, the [charge is then considered a non-conviction](#). It is a somewhat similar situation with stets. [A stet, which literally means "let it stand"](#), indicates that a case has been listed as *inactive* by the court. The charges are not dropped, nor is the defendant determined to be innocent or guilty. Again, the individual is not convicted and the charges are suspended almost indefinitely.



In Maryland, the expungement of PBJs and stets are not automatic. To begin the process of expungement, a petitioner must file a petition for expungement with the court under [§ 10-105](#) or [§ 10-110](#) of the Criminal Procedure Article for every interaction with the criminal justice system. Due to Maryland's statute of limitations, a court or police record may not be expunged by obliteration until three (3) years after the disposition of the charge. Both [probations before judgment \(PBJs\)](#) and [stets are available for a petition of expungement three years](#) after the satisfactory completion of any probationary standards. There is no cost for the expungement of charges that did not result in a conviction; however, a written petition requesting expungement of records is required.

Many individuals with non-conviction charges, PBJs, or stets are wholly unaware that they even have a criminal record that is viewable by the public. As such, they do not move to seek expungement because they were not found guilty. As a result, thousands of Marylanders are stuck with dated records, many of which are non-convictions that hinder their ability to secure employment.

Senate Bill 138 seeks to address this issue by expanding on the [recently created automatic expungement statute](#) by adding certain PBJs and stets to the list. A criminal record for probationary charges that have been dropped or voided in the court system should not hang over anyone's head. DecrimMD fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in the state of Maryland. Senate Bill 138 does just that- it removes another unnecessarily punitive barrier to employment. For these reasons, we respectfully urge a favorable report of Senate Bill 138.

# **Health Care for the Homeless - SB 138 FAV - Expung**

Uploaded by: Joanna Diamond

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY**  
**IN SUPPORT OF**  
**SB 138 – Criminal Procedure – Expungement of Records –**  
**Expansion**

**Senate Judicial Proceedings Committee**  
**February 1, 2022**



**Health Care for the Homeless supports SB 138**, which would add probation before judgment and stet to the list of dispositions eligible for expungement after three (3) years. These are practical and commonsense expansions to the existing dispositions of acquittal, dismissal, not guilty and nolle prosequi. This bill would streamline the expungement process and will have a significant impact on increasing access to employment and housing services.

SB 138 will help end homelessness by reducing barriers to employment and housing. Criminal records, including records of non-convictions, create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources like social safety net programs.<sup>1</sup> At Health Care for the Homeless, our clients have been denied gainful employment even due to having non-convictions on their record, causing them into homelessness or to remain homeless. This was the case with one of our clients, Stephanie.<sup>2</sup> In 2004, Stephanie was charged with a number of offenses, all of which were dismissed. Stephanie has tried for 15 years to find gainful employment, as a single mother who is homeless. She has been denied employment numerous times directly because of her criminal record. These employers explicitly cited her non-convictions as the reason to deny her employment. Such a criminal background, convictions or not, prevent individuals from financial stability and harm Maryland families. Non-convictions should unquestionably be expunged as a matter of public policy.

**Health Care for the Homeless strongly supports SB 138 because it reduces barriers to employment and housing – and so is an important measure that will help reduce the incidence of homelessness.** SB 138 rightly recognizes that individuals should not be penalized or stigmatized for charges they received where they have paid their debt to society or for charges where they were never convicted in the first place. We urge a favorable report by the committee.

*Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit [www.hchmd.org](http://www.hchmd.org).*

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<sup>1</sup> See American Public Health Association, *Housing and Homelessness as a Public Health Issue* (Nov. 2017), available at <https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>.

<sup>2</sup> To maintain confidentiality, we did not use the client's real name.

# **SB 138 - Automatic Expungement Expansion.pdf**

Uploaded by: Jonathan Smeton

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of **District 40. I am testifying in support of SB138.**



I've seen first-hand employers with little to no legal training jump into Case Search when looking at new applications to decide whether a candidate should be hired. They were not adept enough to do anything, but read the charges against the person, let alone make a nuanced decision based on how long ago charges were filed and what the myriad of dispositions mean in the context of their labor needs.

At the same time, I have family who have struggled to attain jobs and professional degrees as a result of a criminal record. I know from their experience that their effort to move past these records have caused pain, frustration, and unnecessary disappointment as they have tried to move on from the very real and traumatic impact of the criminal justice system. While I personally believe expungement is important regardless of disposition, I believe it is especially heinous to allow bureaucratic inertia to preclude us from freeing those who were never found guilty of a crime from the administrative shackles their records put on their lives.

Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

We are in unprecedented times right now, where supply shortages have caused drops in housing stock and impacted the make-up of employment in Maryland and beyond. As a result, the presence of a criminal record can significantly alter the opportunities available for people to find secure housing and financial security for themselves and their families. Maryland's commitment to reducing these barriers by making automatic expungement an upcoming reality shows a belief by lawmakers that criminal records for non-guilty verdicts shouldn't be the thing that denies someone an opportunity to live and work fairly and freely.

This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

# **SB 138 - Automatic Expungement Expansion.docx.pdf**

Uploaded by: Lindsay Keipper

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 46 and **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungeable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

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This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
Lindsay Keipper, 2425 Fleet St.  
Showing Up for Racial Justice Baltimore



# **MOPD SB 0138.pdf**

Uploaded by: Mary Denise Davis

Position: FAV



**PAUL DeWOLFE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
DIRECTOR OF POLICY AND DEVELOPMENT

**KRYSTAL WILLIAMS**  
DIRECTOR OF GOVERNMENT RELATIONS DIVISION

**ELIZABETH HILLIARD**  
ASSISTANT DIRECTOR OF GOVERNMENT RELATIONS DIVISION

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 0138**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: 1/28/2022**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 138.

I have worked with thousands of clients in the past 15 years filing expungement petitions and advising them of the applicable law. During this time, the Office and myself have advocated for change to allow our clients to move forward and not be burdened with the stigma of a criminal record - especially a record that lists favorable dispositions. A criminal record is not just what is on a person's RAP sheet but it must also be considered what is available on Maryland Judiciary Case Search and the information that has been obtained and disseminated by private databases.

Last year, the Maryland General Assembly took a huge step forward in providing assistance to thousands of Maryland citizens. SB0201 became law which allowed for the automatic expungement of certain favorable dispositions – acquittals, dismissals, and *nolle prosequis*. This law has the impact to change so many lives for years to come.

For some clients, the past remains in the past but for many clients it will only resurface when they are looking for employment or advancement in their current jobs; looking for better housing opportunities; or looking to further their education. The time frame to file and be granted a favorable disposition can take months depending on the jurisdiction. It is this period of time of waiting that can have such a drastic impact. The changes that these clients are hoping for may not be actualized because of these favorable dispositions remaining on their criminal record and Maryland Judiciary Case Search; and also that these dispositions remain in private databases.

The easy access by employers, landlords, and the general public is a double edge sword. We like when we can obtain this access to others' records but not when others can obtain this access about us.

Private databases are using publicly accessible information that supports a 2+ billion dollar industry, according to an article published by IBIS World in November 2020. However, there is no regulation of these private databases. They can continue to provide information about expunged cases or cases that will be expunged.

This Session, SB 138 will close the additional loopholes that were not addressed in the previous legislation.

1. It will include the two additional favorable dispositions – probation before judgements and STETs.
2. It will retroactively start the automatic expungements of all these favorable dispositions to October 1, 2018.

The Maryland Office of the Public Defender strongly supports these additional changes to the existing automatic expungement law. It is vital that our clients whose cases have resulted in a favorable disposition are not burdened by employers' and other entities' access to these records. It makes no sense to require a court-filing when these dispositions would otherwise be eligible.

For these reasons, the Maryland Office of the Public Defender strongly urges this Committee to issue a favorable report on Senate Bill 138.

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**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Written by: Mary Denise Davis, Chief Attorney of the Central Booking and Bail Unit at the Maryland Office of the Public Defender.**

## **SB 138 Testimony.pdf**

Uploaded by: Maryland Legal Aid

Position: FAV



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**STATEWIDE  
ADVOCACY SUPPORT UNIT**

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www.mdlab.org  
04.2021



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 138 – Criminal Procedure – Expungement  
of Records – Expansion

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

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. 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 SB138 and asks that this committee give it a favorable report.

Charlotte Ahearn, Esq. will testify on behalf of MLA in support of Senate Bill 138 at Senator Obie Patterson's request. 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. Through programs like Lawyer in the Library, expungement clinics, and online "know your rights" seminars, MLA reaches Marylanders statewide and assists them with criminal record expungement and other barriers to employment. Since 2016, MLA has represented over 10,000 expungement clients and filed over 50,000 expungements petitions.

SB138 will benefit thousands of Marylanders, especially those in communities subject to over-policing and other manifestations of systemic oppression. MLA frequently represents clients who have stet and probation before judgment dispositions on their criminal record. Many of these cases are decades old. They are all in the public record and accessible for all to see.

Marylanders with stet and probation before judgment dispositions carry their cases as a scarlet letter. These case records impact the most critical aspects of their lives. The public often misunderstands these dispositions, and citizens are penalized in their communities despite never being convicted of a crime. Many MLA clients have lost jobs or been overlooked during the hiring process because

an employer saw charges for which the client was never convicted. Similarly, landlords often reject potential tenants when these dispositions appear on background checks or the Maryland Judiciary Case Search.

As the law currently exists, individual Marylanders have the burden of filing petitions for expungement- a legal process many do not even know exists, let alone how to navigate. Cases expungable under current law often take a year or longer to expunge and are frequently scheduled for in-person hearings, further delaying the process. These cases draw resources away from Maryland's courts and create undue burdens for low-income individuals who frequently must retain counsel and arrange travel and childcare.

Last year, the General Assembly made history when it codified Criminal Procedure §10-105.1, which will automatically expunge cases for thousands of Marylanders who were never convicted of a crime. However, Marylanders who have cases with stet and probation before judgment dispositions are not afforded the same benefit, even though their cases also did not result in a conviction.

SB138 will not expunge any case that is not already eligible under the current law. Judges and State's Attorneys will retain all existing authority over these cases. This bill alleviates a logistical burden that, in practice, is insurmountable for thousands of Marylanders.

Thank you for the opportunity to comment on this vital piece of legislation. Maryland Legal Aid strongly supports SB138 and asks that this committee give it a favorable report.

/s/ Charlotte Ahearn

Charlotte Ahearn, Esq.  
Community Lawyering Initiative  
Maryland Legal Aid

# **BALTtestimony\_SB0138\_2022.pdf**

Uploaded by: Matt Parsons

Position: FAV

**TESTIMONY in SUPPORT of SB 0138**  
**Criminal Procedure – Expungement of Records – Expansion**

**TO:** Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee  
**FROM:** Matt Parsons on behalf of Baltimore Action Legal Team

My name is Matt Parsons, and I am the Community Lawyer at Baltimore Action Legal Team (BALT). I submit this testimony in favor of SB 0138. In my career as a community lawyer and workforce development professional, my work has involved providing legal services to community members who lack access to justice, as well as supporting the reentry process for returning citizens who seek jobs with family-sustaining wages.

Most typically, the community members whom I am helping are those who have been disenfranchised by our society, often from birth. They are mostly black and brown people who are impacted by the criminal justice system, branded with a criminal record, and too frequently, incarcerated. They are people whom the system consequently marginalizes, revoking essential economic opportunities, such as quality education and access to sustainable jobs, that ensure a life of dignity. For those with a criminal record who lack access to expungements, our system creates near-insuperable barriers to the successful reentry and self-sufficiency that it purports to encourage. At Civic Works in Baltimore, I witnessed firsthand the numerous economic struggles that returning citizens experience during the reentry process, often while serving parole or probation. More often than not, these struggles - whether related to stable housing, food access, or child support - stem from their lack of access to family-sustaining jobs. This lack of access is, in turn, the near-inevitable result of a system that withholds the same economic opportunities that more privileged members of our society freely enjoy, all because of a criminal record. In my current role as a community lawyer, I offer expungement services to community members who may be struggling to overcome the same barriers I describe. Although I have successfully helped clients expunge their records and begin with a clean slate, all too often a client is ineligible on a conviction for a seemingly arbitrary reason. The outcome is discouraging for all, the process alienating, the alleged rationale failing to appropriately reflect the individual's actual potential to build a life of dignity.

This bill is an opportunity to foster more racially equitable outcomes for community members who deserve the same opportunities for success from which they have historically been deprived. Expanding expungement eligibility to include probation before judgment and stet dispositions will not only alleviate the unjust burden of a criminal record for many, but also ensure stronger families and communities in Maryland. I urge a favorable report on SB 0138 from this committee.



# **SB 138 - MauraDwyer\_Automatic Expungement Expansio**

Uploaded by: Maura Dwyer

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of District 45. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

We are in unprecedented times right now, where supply shortages have caused drops in housing stock and impacted the make-up of employment in Maryland and beyond. As a result, the presence of a criminal record can significantly alter the opportunities available for people to find secure housing and financial security for themselves and their families. Maryland's commitment to reducing these barriers by making automatic expungement an upcoming reality shows a belief by lawmakers that criminal records for non-guilty verdicts shouldn't be the thing that denies someone an opportunity to live and work fairly and freely.

This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
Maura Dwyer  
1639 N Calvert St  
Showing Up for Racial Justice Baltimore

## **SB 138 - Automatic Expungement Expansion\_Melissa B**

Uploaded by: Melissa Badeker

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of I am a resident of District 8 and volunteer for Out For Justice. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

We are in unprecedented times right now, where supply shortages have caused drops in housing stock and impacted the make-up of employment in Maryland and beyond. As a result, the presence of a criminal record can significantly alter the opportunities available for people to find secure housing and financial security for themselves and their families. Maryland's commitment to reducing these barriers by making automatic expungement an upcoming reality shows a belief by lawmakers that criminal records for non-guilty verdicts shouldn't be the thing that denies someone an opportunity to live and work fairly and freely.

This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
Melissa Badeker  
3020 Linwood Avenue, Parkville MD 21234  
Showing Up for Racial Justice Baltimore and Out For Justice

# **NCADD-MD - SB 138 FAV - Expungement Expansion.pdf**

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Judicial Proceedings Committee**

**February 1, 2022**

**Senate Bill 138**

**Criminal Procedure – Expungement of Records – Expansion  
Support**

NCADD-Maryland strongly supports Senate Bill 138. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the unintended collateral damage caused by our drug policies. When people who struggle with substance use disorders get treatment and start the recovery process, criminal records are often huge barriers to success. Obtaining employment and housing is difficult, and sometimes impossible. Without a place to live or a reliable income, some people are much more likely to re-offend and/or return to alcohol and drug use.

House Bill 122 will allow for expungements of non-convictions from people's records. In cases where people were arrested in error or inappropriately, or when charges are dismissed, these instances still appear on a person's record. This can lead to incorrect assumptions about a person's involvement in criminal activity. Making sure that non-convictions are erased will help in reducing the discrimination that so often follows those who have been incarcerated.

These kinds of policy changes are a necessary component to significantly improving our communities. When people have served their time, they should have the opportunities and supports needed to ensure they are able maintain productive lives and livelihoods with their families. Removing some of the barriers to success will also help people with substance use disorders maintain their recovery.

**We urge your support of Senate Bill 138.**

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

# **SB 138 - Automatic Expungement Expansion.pdf**

Uploaded by: Nathan Rehr

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident MD District

**45**. I am an active member of my community association and a health professional who is interested in eliminating the health disparities that occur with racial discrimination in our society. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

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This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,

**Nathan Rehr**

**450 E. Federal Street Baltimore, MD 21202**

Showing Up for Racial Justice Baltimore



# **SB 138 - Automatic Expungement Expansion.pdf**

Uploaded by: Rebecca Shillenn

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of District 45. **I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

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It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
Rebecca Shillenn  
5401 Elsrode Avenue Baltimore MD 21214  
Showing Up for Racial Justice Baltimore

# **SB 138 - Automatic Expungement Expansion.pdf**

Uploaded by: Sam Chan

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City and Baltimore County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District. I am a resident of **District 43. I am testifying in support of SB138.**



Last year, legislation was passed to provide automatic expungement for thousands of Marylanders whose charges were not prosecuted, acquitted, dropped, or were found not guilty. This bill would only take effect starting 2024, yet thousands of folks need immediate relief from the barriers that a criminal record puts on attaining a job and housing. Additionally, an important group of dispositions aren't automatically expungable, despite not being findings of guilt: stets and probations before judgment that satisfy court-ordered conditions. **SB138 would speed up the implementation of this bill, so that folks can benefit from it right now and expand eligibility to dispositions of stet and probation before judgment.**

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This bill honors that commitment, by recognizing we cannot wait for it to be a reality and that we must rid the bill of the loopholes that still unfairly punish folks with stets and probations before judgements that satisfy all court-ordered conditions.

It is for these reasons that I am encouraging you to vote in **support of SB138.**

Thank you for your time, service, and consideration.

Sincerely,  
**Sam Chan**  
**38 E. 26<sup>th</sup> St, Baltimore MD 21218**  
Showing Up for Racial Justice Baltimore

# **MAP\_SB138\_Support\_Expungement Expansion.pdf**

Uploaded by: Stacey Jefferson

Position: FAV



## Member Agencies:

211 Maryland  
Advocates for Children and Youth  
Baltimore Jewish Council  
Behavioral Health System Baltimore  
CASH Campaign of Maryland  
Catholic Charities  
Energy Advocates  
Episcopal Diocese of Maryland  
Family League of Baltimore  
Fuel Fund of Maryland  
Health Care for the Homeless  
Homeless Persons  
Representation Project  
Job Opportunities Task Force  
Laurel Advocacy & Referral Services,  
Inc.  
League of Women Voters of Maryland  
Loyola University Maryland  
Maryland Catholic Conference  
Maryland Center on Economic Policy  
Maryland Community Action  
Partnership  
Maryland Family Network  
Maryland Food Bank  
Maryland Hunger Solutions  
Paul's Place  
Public Justice Center  
St. Vincent de Paul of Baltimore  
Welfare Advocates

## Marylanders Against Poverty

Julia Gross, Co-Chair  
P: 410-528-0021 ext 6029  
E: [jgross@mdhungersolutions.org](mailto:jgross@mdhungersolutions.org)

Kali Schumitz, Co-Chair  
P: 410-412- 9105 ext 701  
E: [kschumitz@mdeconomy.org](mailto:kschumitz@mdeconomy.org)

## TESTIMONY IN SUPPORT OF SB 138

### Criminal Procedure – Expungement of Records – Expansion

*Senate Judicial Proceedings Committee*

February 1, 2022

*Submitted by Julia Gross and Kali Schumitz, Co-Chairs*

**Marylanders Against Poverty (MAP) strongly supports SB 138**, which aims to expand access to expungements for those not found guilty of a charge.

In the state of Maryland, a person acquires a criminal record upon any arrest, regardless of whether or not that individual is ever convicted of a crime. That arrest and subsequent criminal record remains publicly searchable until charges and dispositions are expunged, causing barriers to employment, housing, education, public assistance, and occupational licensing.

Because of these consequences, criminal records can both cause and exacerbate existing struggles for low-income individuals struggling with poverty.

In 2021, the Maryland General Assembly passed important legislation to automatically expunge certain non-convictions (acquittals, dismissals, and nolle pros), which positively impacted over 77,000 Marylanders.

Unfortunately, a subset of non-convictions, including probation before judgement and stets, were not included. Often individuals with non-conviction charges, PBJs, or stets are unaware that they even have a criminal record that is viewable by the public, making them more likely to suffer from the negative impacts of having a criminal record.

For this reason, automatic expungement for all non-convictions is necessary to ensure that individuals not convicted of a crime are not unjustly barred from gainful employment.

**MAP appreciates your consideration and urges the committee to issue a favorable report for SB 138.**

***Marylanders Against Poverty (MAP)*** is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.

# **SB 138 - Expungement of Records - Expansion.pdf**

Uploaded by: John Cox

Position: UNF

**Bill Number: SB 138**  
**Maryland States Attorneys Association**  
**Opposed**

**WRITTEN TESTIMONY OF THE MARYLAND STATES**  
**ATTORNEYS ASSOCIATION IN OPPOSITION TO SENATE BILL**  
**138 – CRIMINAL PROCEDURE – EXPUNGEMENT OF**  
**RECORDS – EXPANSION**

The Maryland States Attorneys Association is opposed to Senate Bill 138, Expungement of Records Expansion as a step beyond that which is appropriate for expungement with no safeguards to assure compliance with the law.

In the last legislative session, the Legislature enacted Criminal Procedure § 10-501.1 to provide for the automatic expungement of certain criminal cases. The section provides that an acquittal, dismissal, not guilty or nolle prosequi of a case in its' entirety would be automatically expunged from an individual's record after three years without the requirement that an individual request expungement. Under an already existing statute (§10-105) this could be accomplished almost immediately on request of the acquitted individual if the person requested and signed a waiver and release of any tort claim.

This bill proposes to add Probation Before Judgement (PBJ) and Stet dispositions to those which must be automatically expunged after three years from disposition. The Bill would require the automatic expungement without request and without the ability of the State to object "if all court ordered conditions" of the PBJ or stet "have been satisfied". There is no indication in the proposed legislation which helps to show how and whom will be determining if the conditions of probation or the stet have been satisfied. There doesn't appear to be any circumstance other than this which would prevent expungement.

A process already exists in §10-105 to properly assess eligibility for expungement of a PBJ or a stet. In §10-105, the States Attorney is permitted to respond to a request for expungement and object if it is not permitted under the law. The clearest example of an ability to object is if the person has been convicted of another crime within three years of the probation. Another is if the person is pending another criminal charge at the time of eligibility for expungement. These are important and valid factors which should be considered in determining the appropriateness of expungement.

If, for example, an individual is on probation for a PBJ for a year and then commits multiple offenses for which he or she is convicted well within the three years from the PBJ disposition, this legislation would appear to require that the PBJ be expunged with no ability of the States Attorney to express an objection. In addition, if a



Circuit Court Judge generously grants a person a PBJ but then deems it appropriate to put them on probation for five years, this bill would require the disposition to be expunged two years before the person's probation is over.

As noted earlier, there is no mechanism in the automatic expungement statute of 10-105.1 with this proposed amendments for determining if an individual has satisfied all of the court ordered conditions of probation. With JRA and the graduated sanctions through Parole and Probation and the reality that often Judges will not go through a formal process to violate probation if the violations are not significant, there is no process to evaluate compliance.

All of the issues regarding compliance with probation or a stet can be easily assessed through the process already in place in §10-105. This legislation is both unnecessary, unworkable and inappropriate for those who choose to continue to commit crimes.

The Maryland States Attorneys Association asks for an unfavorable report.

**sb138.pdf**

Uploaded by: Sara Elalamy

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 138  
Criminal Procedure – Expungement - Expansion  
**DATE:** January 12, 2022  
(2/1)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 138. The proposed legislation requires, for a charge disposed of on or after October 1, 2018, that any police record, court record, or other record maintained by the State or a political subdivision of the State relating to the charging of a crime, or civil offense under § 5-601(c)(2)(II) of the Criminal Law Article, including a must-appear violation of the Transportation Article, shall be expunged three (3) years after a disposition of the charge if no charge in the case resulted in a disposition other than: 1) acquittal; 2) dismissal; 3) not guilty; 4) nolle prosequi, except nolle prosequi with a requirement of drug or alcohol treatment; 5) probation before judgment if all court ordered conditions of the probation before judgment disposition have been satisfied; or 6) stet, if all court-order conditions of the stet disposition have been satisfied.

Courts and clerk's offices lack a programmatic mechanism or system for complying with the requirements of this legislation which will require courts and clerk's offices to manually review historical case files to determine which charges are required to be expunged. This process will be even more labor intensive in non-MDEC jurisdictions and those jurisdictions which only recently adopted MDEC. The court will have to create additional processes and reports to ensure the records are expunged in the time period required by this legislation.

By notifying each defendant of the defendant's right to expungement under Criminal Procedure § 10-105, the requirement that the court provide a General Waiver and Release with the notification, and the requirement of expunging cases disposed as of October 1, 2018, the court anticipates that there will be an increase in the number of petitions for expungement, prior to the 3-year automatic process (or expungement without the need to file a petition). In the past three (3) fiscal years, the following number of petitions for expungement were filed in the District Court and the circuit courts:

	<b>District Court</b>	<b>Circuit Court</b>
<b>Fiscal Year 2019</b>	74,508	10,951
<b>Fiscal Year 2020</b>	55,105	8,642
<b>Fiscal Year 2021</b>	39,061	5,940

\*FY2020 and FY2021 numbers are impacted by the COVID-19 pandemic and are not an accurate depiction of a typical year of data.

Programming also will be necessary to send the required notices after verification by the clerks. The Judicial Information Systems division is unable to provide a complete breakdown of programming costs at this time but estimates the overall range will be between \$500,000 to \$575,000. This legislation also inappropriately puts the onus on court clerks to make a determination whether all conditions of probation or a stet have been met.

The typical process for expungement takes approximately 1.5 hours for a clerk in the District Court and the circuit courts to complete. While the court does not currently have a business process in place for these automatic expungements, it is estimated that the process may take less time. Using the data provided above for the number of cases which would qualify for automatic expungement under this amended legislation, and an assumption that the process may take .25 hours to complete.

**Using Fiscal Year 2019 data the Judiciary estimates the following:**

	<b>DC</b>	<b>CC</b>
No. of Eligible Cases	400,106	14,270
Hours to Complete Automatic Expungement Process	.25	.25
No. of Cases x Time to Complete the Process	100,026.5	3,567.5
No. of Clerks Needed*	83	3
*Number of clerks needed calculated by: the number of cases multiplied by the time to complete the process (.25) divided by the amount of time available for the clerks to complete the expungement.		

The total number of new clerks needed to accomplish the existing expungements for cases in an electronic format is:

**District Court: 83**

**Circuit Court: 3**

The 86 positions will result in **\$5,877,202** in additional personnel and operating costs the first full fiscal year. The number of clerks estimated to be needed increases from the estimate provided during the 2021 legislative session due to the increased disposition types and the legislation now applying to cases disposed as of October 2018.

SB 201, Ch. 680 from the 2021 legislative session, stated that the applicable records would start “beginning October 1, 2021.” As written, the court shall expunge the record three years from the date of disposition. No disposed charge has reached the three-year mark and therefore expungements of those records have not yet begun. Senate Bill 138 pushes the start date for eligible dispositions back to October 1, 2018. Therefore, if passed with an effective date of October 1, 2022, there will be two years’ worth of eligible disposed cases (2018-2019) that would require an almost immediate expungement.

The above estimate does not take into account the anticipated increase in petitions for expungement that are anticipated.

Due to the new categories of eligible records, related time periods, records handling, and courtroom procedures, extensive changes to procedures will be required in addition to judicial and clerical training and retraining.

<b>SB 138 Initial Cost of Implementation</b>	
Clerks (1 <sup>st</sup> Full Year)	\$5,877,202
Programming, including Reports	\$500,000 – \$575,000
Forms and Brochure	\$6,000
<b>TOTAL</b>	<b>\$6,383,202 – \$6,458,202</b>

If passed, this legislation would have a significant fiscal and operational impact on the Judiciary.

It should also be noted that the court is not able to determine if all court-ordered conditions of the probation or stet have been satisfied. That determination is made by other criminal justice agencies.

Further, the proposed changes made to Criminal Procedure § 10-105.1 conflict slightly with existing law found in Criminal Procedure § 10-105 which allows a person to file a petition for expungement when their case is disposed of with a Probation Before Judgment (PBJ), unless the person is charged with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or § 3-211 of the Criminal Law Article. Senate Bill 138 makes no conforming changes to conditions found in Criminal Procedure § 10-105, which may lead to conflicting procedures regarding the expungement of cases disposed of with a disposition of PBJ.

cc. Hon. Obie Patterson  
Judicial Council  
Legislative Committee  
Kelley O’Connor