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MARYLAND HOUSE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB122: CRIMINAL PROCEDURE –
EXPUNGEMENT OF RECORDS - EXPANSION
FEBRUARY 1, 2022

Chairman Clippinger and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 122. My name is Jason Wright, and I am the Workforce Development Project Paralegal at Maryland Volunteer Lawyers Service (MVLS). 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 HB122.

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. HB122 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, HB122 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. HB122 keeps all 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. HB122 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 1st, 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. HB122 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 HB122.

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