



MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
**IN SUPPORT OF HB1442: CRIMINAL PROCEDURE –
EXPUNGEMENT OF RECORDS - MODIFICATION**
MARCH 15, 2022

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Chairman Clippinger and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 1442. 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 HB 1442.

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

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

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

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

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

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

MVLS has been fighting to even the playing field for low-income Marylanders for decades, and we know that these members of our community face significant financial obstacles when trying to put their lives back on track. SB710 would advance our vision of a more just Maryland. This vision includes a system where people convicted of non-violent crimes, who have paid their debt to society and left their past behind them, can seek employment without fear of rejection. We at MVLS respectfully request a favorable report on House Bill 1442.

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