



**MARYLAND  
LEGAL AID**

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

February 1, 2023

Senator William C. Smith, Jr.  
Chairman, Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Testimony Supporting Senate Bill 17 - Criminal Procedure - Expungement of Records – Good Cause**

Thank you for the opportunity to provide testimony in support of this important bill, which will allow Marylanders to move forward from criminal convictions and contribute to the state more quickly and easily. Maryland Legal Aid (MLA) submits this testimony at the request of Senator Jill P. Carter and urges the Committee to give it a favorable report.

MLA is a non-profit law firm that provides free civil legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including criminal record expungements, which remove barriers to obtaining child custody, housing, a driver's license, and a job.

Senate Bill 17 simply incorporates a "Good Cause" provision into Criminal Procedure Code § 10-110. This will allow the courts to grant expungement petitions for certain misdemeanor and felony convictions on a showing of good cause, rather than only after the 10 to 15-year waiting period. Senate Bill 17 *only applies* to the preexisting enumerated list of criminal convictions this legislative body codified in Criminal Procedure Code § 10-110 as part of the Justice Reinvestment Act. This bill *does not* increase the type of convictions eligible, nor does it incorporate additional felony and misdemeanor convictions.

Senate Bill 17 will directly benefit your constituents and thousands of Maryland families by allowing the courts to grant a petition for expungement on a showing of good cause, which is in the interest of justice. This bill expands access to justice and employment opportunities for low-income Marylanders. After an individual has completed their entire sentence, including parole and probation, and all types of mandatory supervision, they are still required to wait 10 to 15 years before filing an expungement petition. This waiting period is arbitrary and also drastically longer compared to other states. When an individual successfully completes their sentence, their debt to society is paid. Placing an additional, decades-or-more-long barrier on those individuals is contradictory and not rehabilitative. It also undercuts the legislature's determination of the appropriate sentence for certain crimes, as well the judge's discretion in handing that sentence down. Just as each individual case is as different as each individual person involved, state law should grant courts discretion to grant faster expungements in certain situations.

---

MLA clients often come to us with a single nonviolent conviction that has been on their record for a decade or more. These charges have often resulted in periods of incarceration and/or lengthy periods of probation or parole. Marylanders carry their case records as a scarlet letter, impacting the most critical aspects of their day to day lives. It comes as no surprise that obtaining employment is an integral part of reentry and reduces recidivism. Granting expungements based on a showing of good cause benefits communities by allowing people to move on from their pasts and seek stable lives. Expungement is a legal practice that can have an immense effect on a person's life, possibly being the difference between gaining or losing stable housing.

Senate Bill 17 will benefit communities by allowing people to move on from their pasts and seek stable lives. Employment and housing means reduced recidivism, stable families, and community empowerment. In this way, not only those receiving an expungement benefit, but society as a whole benefits from having stable communities, employable citizens, and the financial contribution to the state from income taxes. This makes the status quo not only cruel but counterproductive. Senate Bill 17 encourages and empowers individuals to re-enter society and participate meaningfully in the workforce, therefore MLA supports it.

Charlotte Ahearn, Esq.  
Community Lawyering Initiative  
Maryland Legal Aid