

# **SB017 - Expungement of Records - Good Cause.pdf**

Uploaded by: Alicia Pereschuk

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District 43. **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,  
Alicia Pereschuk

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

321 W 28<sup>th</sup> St

Baltimore MD 21211

Showing Up for Racial Justice Baltimore

**SB0017\_FAV\_HOPE.docx.pdf**

Uploaded by: Antoin Quarles

Position: FAV



**TESTIMONY IN SUPPORT OF SB17:**

**Criminal Procedure - Expungement of Records - Good Cause**

TO: Members of the House Judiciary and Senate Judicial Proceeding Committee

FROM: Antoin Quarles, Executive Director

**Helping Oppressed People Excel** support(s) SB0017 as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. [Over 60 percent of formerly incarcerated persons remain unemployed one year after release.](#) This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, Maryland has drastically longer waiting periods for expungement than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "[Unit Rule](#)" prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. Lastly, if an individual receives a violation of parole or probation or manages to catch a subsequent conviction during the waiting period, the original charge becomes impossible to expunge even decades later.

**SB17** allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10-105](#)



[\(c9\)](#) but only applies to non-convictions and is rarely used. **[YOUR NAME/ORGANIZATION]** fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report.

# **Maryland Legal Aid SB 17 Favorable Testimony.pdf**

Uploaded by: Charlotte Ahearn

Position: FAV



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.



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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

**SB017 - Good Cause, ChristinaPhamLinhoff.pdf**

Uploaded by: Christina Pham Linhoff

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 46, a mom, a professional, and a constituent. **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the “Unit Rule<sup>3</sup>” prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17**. Thank you for your time, service, and consideration.

Sincerely,  
Christina Pham Linhoff  
46 E Randall St, Baltimore, MD 21230  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

**GoodCauseExp.\_FAV\_SIGNON.docx.pdf**

Uploaded by: Christopher Dews

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## LETTER IN SUPPORT OF SB0017:

### **Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

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 **SB0017** as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City. The Department of Justice has [found](#) high recidivism rates among returning citizens, with half of all returning citizens recidivating within three (3) years and 60 percent recidivating within five (5) years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: [over 60 percent of formerly incarcerated persons remain unemployed](#) one year after their release. This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study [revealed](#) that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, Maryland has drastically longer waiting periods for expungement than most other states. [Maryland Code Ann., Criminal Procedure §10–110](#) states that an individual must wait **10 years** before they are eligible to expunge most *nonviolent* misdemeanor convictions from their record, **15 years** for a common-law battery or 2nd-degree assault conviction, and **15 years** for a non-violent felony. The waiting period kicks in *after* they have completed their entire sentence, parole or probation, drug treatment, *and* any mandatory supervision. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much

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more. According to a [recently released report](#) (pg.4-5) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah.

Additionally, under current Maryland law [Criminal Procedure §10–107](#), charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’. If a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged.

Lastly, if an individual receives a violation of parole or probation or manages to catch a subsequent conviction during the waiting period, the original charge becomes impossible to expunge even decades later. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely. A 2009 study funded by the National Institute of Justice examined more than 80,000 criminal records and found that there is a point in time when an individual with a criminal record is at no greater risk of committing another crime than other individuals of the same age. But with no access to expungement due to the blockades, proper reintegration into society is seemingly impossible.

**SB0017** offers a clear, rational solution to the expungement access conundrum for millions of returning citizens, expungement lawyers, and judicial officials. It allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. JOTF fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report of **SB0017**.

### **The Undersigned Organizations/Individuals Support of SB0017**

1. BetterU Construction Training
2. Maryland Alliance for Justice Reform
3. Maryland Office of the Public Defender
4. Maryland Legal Aid
5. Maryland Volunteer Lawyers Service
6. Homeless Persons Representation Project
7. Out for Justice
8. Life After Release

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9. Helping Oppressed People Excel
10. Maryland Justice Project
11. Center for Urban Families
12. Justice Policy Institute
13. Public Justice Center
14. Maryland Nonprofits
15. Marian House



MARIAN HOUSE



# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*





# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*



MARIAN HOUSE



BUILDING COMMUNITY TOGETHER



**MARYLAND ALLIANCE FOR JUSTICE REFORM**

Working to end unnecessary incarceration and build strong, safe communities



**SB0017\_FAV\_JOTF.docx.pdf**

Uploaded by: Christopher Dews

Position: FAV

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## TESTIMONY IN SUPPORT OF SENATE BILL 17:

### **Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the Senate Judicial Proceedings

FROM: Christopher Dews, Policy Consultant

DATE: February 2nd, 2023

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 17** as a means of reducing the impact of incarceration and enhancing employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration return to Baltimore City. The Department of Justice has [found](#) high recidivism rates among returning citizens, with half of all returning citizens recidivating within three (3) years and 60 percent recidivating within five (5) years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: [over 60 percent of formerly incarcerated persons remain unemployed](#) one year after their release. This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. A past criminal conviction of any sort reduces job offers by half. This leaves many of the 1.5 million Marylanders with a criminal record out in the cold when trying to obtain gainful employment. A 2015 Manhattan Institute study [revealed](#) that employment, especially within the first six months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.

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

# JOTF JOB OPPORTUNITIES TASK FORCE

## *Advocating better skills, jobs, and incomes*

waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. According to a [recently released report](#) (pg.4-5) from Collateral Consequences Resource Center (CCRC), 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah.

Additionally, under current Maryland law [Criminal Procedure §10–107](#), charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’. If a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged.

Lastly, if an individual receives a violation of parole or probation or manages to catch a subsequent conviction during the waiting period, the original charge becomes impossible to expunge even decades later. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely. A 2009 study funded by the National Institute of Justice examined more than 80,000 criminal records and found that there is a point in time when an individual with a criminal record is at no greater risk of committing another crime than other individuals of the same age. But with no access to expungement due to the blockades, proper reintegration into society is seemingly impossible.

**Senate Bill 17** offers a clear, rational solution to the expungement access conundrum for millions of returning citizens, expungement lawyers, and judicial officials. It allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. JOTF fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report of **Senate Bill 17**.

# **SB017 - Expungement of Records - Good Cause.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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 44A. **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

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Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,  
Daryl Yoder  
309 Glenmore Ave.  
Catonsville, MD 21228

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

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**SB0017\_FAV\_BetterU.docx.pdf**

Uploaded by: Deandre Wiggins

Position: FAV



**TESTIMONY IN SUPPORT OF SB17:**

**Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the Senate Judicial Proceedings Committee

FROM: Deandre Wiggins, Program Manager

DATE: February 2nd, 2023

**BetterU Construction** support(s) Senate Bill 17 as a means of reducing the impact of incarceration and enhancing employment opportunities for our carpentry, plumbing, and electrical trainees in Baltimore Maryland.

BetterU Construction Training is a 14-week pre-apprenticeship program for Baltimore residents with a high school diploma or GED. Experienced teachers prepare our students for success in the construction trades with an overview of entry-level plumbing, carpentry, and electrical skills. Students also receive essential safety training, financial coaching, a stipend, and driver's education. More than 70 percent of students are placed in careers that lead to high wages and apprenticeships.

The majority of our trainees are formerly incarcerated persons who have been locked out of access to employment and we have seen examples of our team successfully placing individuals only to have records from 20+ years ago pop up on the background check and have them removed from their new position. This is a painfully disorienting process for them and we believe wholeheartedly that access to Good Cause Expungement would provide relief.

**SB17** allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. BetterU Construction fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report.



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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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 12. **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

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It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,

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

<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

**SB0017\_FAV\_Glen Rosenberg.docx.pdf**

Uploaded by: Glen Rosenberg

Position: FAV

**TESTIMONY IN SUPPORT OF SB17:**

**Criminal Procedure - Expungement of Records - Good Cause**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Glenn Rosenberg**

DATE: February 2nd, 2023

**My name is Glen Rosenberg**, and I support the REDEEM Act as a means of reducing the impact of incarceration and passing common-sense legislation. I would like an expansion of expungement added to the list regarding the current expungement conversations. I've extensively examined case law regarding expungement and found some exciting nuances that the committee members should consider.

By hindering you from work, help, more education, and public assistance, it is making the original sentence harsher than what the court gave you and what the legislature intended. If you did what the court imposed you to do and finished, which may be as much as five years probation or more in some cases after you are off all court orders, you should not be punished further. It violates the Supreme Court case North Carolina v. Pearce, 395 US 711 - Supreme Court 1969

(" . . . [T]he Constitution was designed as much to prevent the criminal from being twice punished for the same offense as from being twice tried for it." Id., at 173.)

That being said, it is criminal to hold people from advancement years after they have served their time and or punishment. I have a few misdemeanors dating back thirty years. They are non-violent, non-sexual, or gun related, but for whatever reason, I do have a theory of why they were not included within the expungement list. **I will be 70 years old soon.** Regarding the misdemeanors I mentioned herein, I don't believe I spent more than 30 days in jail, so I do not believe even the court thought they were that serious, yet they are still on my record. If you are human, you make mistakes. Some may not get caught and some do. Still, most convictions are based on who you know and how much money you have to afford a reasonable attorney if the police officer uses his "discretion" to arrest you. If they do, the prosecutor can nolle prosequi it, offer you a stet or PBJ, or dismiss it for reasons I will not go into. Even the Judge can offer a plea or a reduction of a sentence as well as set aside a verdict. This is not equal justice. On the entrance of the Supreme Court, it says "Equal Justice Under the Law"

Many of the legislative decisions I see are based on funds and not on what is right. You voted against the Unit Rule because it would be tough to do and also expensive. The fact is, if you repeal the Unit Rule, it won't remove all convictions, but it may help. In Stoddard v. State, 911 A. 2d 1245 - Md: Court of Appeals 2006, you can do a partial expungement under certain circumstances. Most believe that all Indictments are a Unit, but that is not always the case. Some indictments may have 5, or even 10 Units within one indictment. The COA stated, just because the State crams 10 or 20 charges into one indictment, does not make it one Unit. Like they did with me. Therefore if one or two Units in the same indictment have all not guilty s or they nolle prosequi some of the charges in that same unit, then all of them can be expunged.

Prosecutors will be overzealous and charge someone with everything possible. Maybe because they have a personal reason, or to try and force them into a plea and I am sure for other reasons, but that alone does not make it a Unit. It may cost the government a lot in the beginning to repeal the Unit Rule, but after most are expunged, it will trickle down to a normal amount. It is unfair to leave charges you were not guilty of on your record for life. Especially because the State added serious charges knowing they would probably not get convictions on them but if they get one conviction it will remain on their record for Life. I know because of the Stoddard case, you can do a partial expungement under certain circumstances because I did it, and for this reason, you should vote to repeal the Unit Rule. Even better would be to add all misdemeanors to the list and that would cut out most applying for a Unit Rule expungement, and expunge it all at once instead of twice.

I am sure the States Attorney's office will object to expanding expungements to include most all misdemeanors, but if the wait time is lowered, it may give people a chance to change their life for the better. There is a lot of crime now, and I contribute a lot of this because people can't get jobs or public assistance because of their records, no matter how old. Even with a record, if you are recharged with a new crime, if you're original charge is 15 years old or more, they cannot use it to impeach you with it if you testify. So for the States Attorneys to argue it should not be expunged, how does it help them unless you are found guilty of the new crime even though 15 years have passed? To be fair and honest, there is one exception to the 15-year rule, and it only refers to one particular conviction, which may cover two convictions even though it should not exclude these two convictions since they are 15-plus years old and non-violent misdemeanors as well. Perjury is the only one listed, but I have a subornation of Perjury conviction. First of all, I did not suborn anyone to lie, and my attorneys asked him for corroboration, and he produced a fake work order. I was not there when they neither asked him, nor was I ever told about it, and if I was, I would have told my attorney not to use it unless they verify it because that person never mentioned it to me. My attorney after the trial told me they will check this work order and it better be accurate. They had an obligation to protect me but did not and gave this guy immunity to testify against me to get off. The elements for Perjury and Subornation are different. For perjury, you need two witnesses, but for Subornation, you only need one who is the one who lied, and of course, they gave him immunity so he would not be charged. We learned he had a sex-related charge statted or a PBJ I believe for solicitation and his wife at the time was divorcing him for being a compulsive liar but it was too late.

So I have been stuck with this now for 30 years. I always had pride in my word, and anyone who knows me knows my word is gold. I wrote this to add to what I sent in for JOTF, but this compliments the above.

If you have any questions about what I wrote you do not understand, call me. I know the cases well I cited.

I tried to shorten the issues so you would understand what I meant.

If you put yourself 'in the same position as someone who got out of prison, they may understand all the roadblocks they will encounter. (Schools, jobs, public assistance etc. People with money though go to prison. It really does not affect much like Martha Stewart.

It had a little effect on me either. I was single, kept my house, and made sure my dog was cared for and all my bills were paid and only my Chihuahua lived in the house. I did not want him to suffer. My accountant did a lot for me as well.

The state lied, the police lied and it was proven. The state piled on charges like I was saying they do and as the COA said in Stoddard. With me they charged me with carrying a loaded gun even though I had a permit in my pocket to carry it. They charged me with carrying a concealed weapon, which was a bottle key chain they removed from my keys. They Nollie the key chain because the person who sold it to me was there and would testify to what it was but the judge still allowed us to talk about it. They had the State police there since they control carry permits but they decided not to put them on so we did and all he could say is I had a permit. They charged me under one indictment but there actually 3 Units within that indictment which only I knew. When I did that partial expungement, the judge never saw the case I cited, Stoddard. He was very impressed. All the attorneys said I could not expunge any of them because it was a Unit but they interpreted the Unit rule wrong. You should not base someone's life because you do not want to spend the money having to deal with a lot of Units. Once they make the investment and get most done, like they do in Stoddard, they will have very few do each week or month. But if they allowed more expungements, they would not have to deal with many Units as much and instead of expunging non convictions based on the Unit rule, if they expanded expungements to cover all misdemeanors maybe with the exception of sexual related ones, they would not have to process a case twice. Unit Rule once and again for the non-convictions and once the other conviction becomes expunge-able, they will have to do it all again. Do it once and save time and money. I also feel they should do away with all mandatory minimums, They are not fair and like the higher courts say in most opinions, the judge saw the person testify etc. . So they give the court more credibility for that reason of why he made a decision at sentencing. This is what the judge is for. I will not say all judges are fair or equal since I had one years ago for two counts of theft of hand tools 30 years and consecutive but suspended 10 of that but 5 years' probation. I later found out that he offered my attorney a deal in chambers of about 2 years but said if I do not take his deal and go to court and lose, he would Hammer me at sentencing and so he did. I did receive a new sentencing but even he was just as bad and all he did was suspend 10 more years. Normally they should have given me the plea offer the original judge offered to make me whole, so to speak, but he did not. People with Murder do not get 30 years or 20 and sometimes less. Does this seem lie equal justice?

Thank You

Glenn Rosenberg

300 Belton Road

Silver Spring, MD 20901

301-593-1234

# **SB017 - Expungement of Records - Good Cause.pdf**

Uploaded by: Holly Powell

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of 46. ] I am testifying in support of Senate Bill 17.



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17**.

Thank you for your time, service, and consideration.

Sincerely,

[Holly Powell  
2308 Cambridge Street  
Baltimore, Maryland 21224  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>



# **SURJ Expungement of Records 2023 2 1.pdf**

Uploaded by: Jan Kleinman

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of MD District 40. Having recently read the book *The Master Plan*, by Chris Wilson, I am newly aware of the difficulties faced by returning citizens. Mr. Wilson was guilty, by his own admission, and served time in prison from age 17 into his 30s. During that time, he changed his attitude, his mindset and his goals. He proved to a judge that he was ready to work, learn, and assist others. Should a penal system that has already punished him also make his return to society as difficult as possible? **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17**.

Thank you for your time, service, and consideration.

Sincerely,  
Jan Kleinman  
816 Union Ave.  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

**HPP SB 17 Testimony- FAVORABLE.pdf**

Uploaded by: Jessica Emerson

Position: FAV

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 17  
**TITLE:** Criminal Procedure – Expungement of Records – Good Cause  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 2, 2023  
**POSITION:** SUPPORT

Senate Bill 17 would allow a court to grant a petition for expungement of the convictions listed in Maryland Criminal Procedure Article §10-110 at any time for good cause. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it will allow Marylanders to petition for expedited criminal record relief when an appropriate case presents itself, and will allow individuals, including survivors of human trafficking, to access opportunities to better their lives.

Maryland has drastically longer expungement waiting periods than most other states in the nation, which creates major obstacles for any Marylander hoping to petition for relief,<sup>1</sup> including criminalized survivors of trafficking. Longer waiting periods have historically reflected the belief that individuals should only be eligible for expungement after successfully showcasing their rehabilitation through a period of crime-free behavior.<sup>2</sup> However, many states have since shortened waiting periods in recognition of the inverse, which is that record clearing actually plays a constructive role in facilitating the crime-free rehabilitation most expungement statutes require,<sup>3</sup> and that lengthy waiting periods may actually contribute to recidivism rather than discourage it.<sup>4</sup>

In an effort to mitigate the harm of these lengthy waiting periods, Maryland has a “good cause” provision built into §10-105(c)(9) of the Criminal Procedure Article, which courts have interpreted as “granting [them] the discretion to relieve a petitioner of the time requirement” set forth within the statute.<sup>5</sup> Maryland’s case law is consistent with the General Assembly’s stated intent for passage of the good cause amendment in 1988, which is “to provide the court with some discretion to grant an earlier expungement in appropriate cases.”<sup>6</sup> However, this provision applies only to the section of Maryland’s expungement law allowing for the expungement of non-convictions. SB 17 would extend the availability of this ameliorative provision to expungements filed under MD Criminal Procedure §10-110, which applies primarily to convictions for minor misdemeanors.<sup>7</sup>

It is important to note that criminal records are both a predictor and the result of exposure to human trafficking, and, as a result, accessing relief under Maryland’s expungement law is crucial to the ability of survivors to heal. Data obtained from a national survey of both sex and labor trafficking survivors shows 91% of survivors reporting having been arrested at some point in their lives, with over 50% of those survivors stating that every single arrest

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<sup>1</sup> Margaret Love & David Schlusell, *Waiting for Relief, A National Survey of Waiting Periods for Record Clearing*, Collateral Consequences Resource Center, 1-5 (2022) (showing 42 other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regards to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma).

<sup>2</sup> Brian M. Murray, *Retributive Expungement*, 169 U. Pa. L. Rev. 665, 683 (2021), [https://www.pennlawreview.com/wp-content/uploads/2021/05/Murray\\_Final.pdf](https://www.pennlawreview.com/wp-content/uploads/2021/05/Murray_Final.pdf).

<sup>3</sup> J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 Harvard L. Rev. 2460, 2479 (2020), <https://harvardlawreview.org/2020/06/expungement-of-criminal-convictions-an-empirical-study/>.

<sup>4</sup> *Research on Recidivism and Employment*, Nat’l Inst. Of Justice, <http://www.nij.gov/topics/corrections/reentry/pages/employment.aspx>.

<sup>5</sup> *In re Expungement Petition of Meagan H.*, No. 1397, Sept. term, 2021, 2022 WL 3153968, at \*5 (Md. Ct. Spec. App. Aug 8 2022).

<sup>6</sup> *Id.* at 4 (quoting *Stoddard v. State*, 396 Md. 653, 664 (2006)).

<sup>7</sup> Michael Dresser, *Hogan Signs Bill to Overhaul Maryland Criminal Justice System* (May 19, 2016) (Describing the 2016 passage of the Justice Reinvestment Act which expanded the list of convictions that may be expunged from an individual’s record to include “misdemeanors related to theft and drug possession, a change which was intended “to make it easier for former offenders to qualify for jobs, housing and education.”)

on their record was a direct result of their trafficking experience. Of the 24.6% of respondents who reported they had cleared or begun to clear their records, all reported it was a long and painful process.

After escaping a trafficking experience, survivors commonly express wanting to leave their experiences behind them and the need to provide a better lie for themselves.<sup>8</sup> This often involves finding a safe place to live, accessing programs that provide mental health services, and developing improved life skills.<sup>9</sup> However, the economic stability provided by access to employment is of crucial importance to survivors.<sup>10</sup> Given that employers routinely conduct criminal background checks on job candidates<sup>11</sup> and that the job market has trended towards requiring professional licenses, especially when the job includes providing assistance to vulnerable populations like nursing,<sup>12</sup> it is essential that any state-based remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent survivors from moving forward with their lives.

With the expanded access to the good cause expungement provision provided in SB 17, human trafficking survivors can petition the court to expedite the start of their new lives. For these reasons, the Human Trafficking Prevention Project supports Senate Bill 17, and respectfully urges a favorable report.

*For more information, please contact:*  
*Jessica Emerson, LMSW, Esq.*  
*Director, Human Trafficking Prevention Project*  
*jemerson@ubalt.edu*

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<sup>8</sup> Jeanette Hussemann, et al., *Bending Towards Justice: Perceptions of Justice among Human Trafficking Survivors*, U.S. Department of Justice Office of Justice Programs (Apr. 2018), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/bending-towards-justice-perceptions-justice-among-human-trafficking>, (noting that survivors perceived justice as intimately related to their sense of autonomy, self-efficacy, and empowerment).

<sup>9</sup> Rajaram, *supra* note 5 at 194.

<sup>10</sup> Rajaram, *supra* note 5 at 195.

<sup>11</sup> Cameron Kimble & Ames Grawert, *Collateral Consequences and the Enduring Nature of Punishment*, Brennan Center for Justice (Jun. 2021), <https://www.brennancenter.org/our-work/analysis-opinion/collateral-consequences-and-enduring-nature-punishment> (reporting that, as of 2018, 80 percent of employers conduct background screening on candidates for full-time positions).

<sup>12</sup> *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. Commission on Civil Rights 1, 49 (June 2019), <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf> (citing that about 30 percent of U.S. workers now need licenses, which is a five-fold increase since the 1950's); *see also, FAQs Criminal History Record Checks*, Maryland Board of Nursing (last visited Jan. 31, 2023), <https://mbon.maryland.gov/Documents/FAQs%20CHRC%2012.16.pdf> (noting that Maryland requires criminal history checks for all RN, LPN, and CNA applicants).

**FINALSenJCarterPSB17.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB17 - Criminal Procedure - Expungement of Records -  
Good Cause  
Before the Judicial Proceedings Committee  
on February 2, 2023**

**Senate Bill 17 (SB17) will authorize Maryland courts to grant a petition for expungement of certain convictions, at any time, upon a showing of good cause.**

**Often times, a criminal record results from poverty and the lack opportunities for the less fortunate. A criminal record has a detrimental impact on one's ability to secure employment, housing, and the ability to take advantage of many other opportunities. Approximately twenty-five percent (25%) of working-age Marylanders have a criminal record. In addition, each year, approximately 15,000 Marylanders are released from state prisons and struggle to secure employment and/or a place to live. Demographically, seventy-one (71%) of Maryland's prison population is black, the highest in the nation; and one (1) out of three (3) Marylanders returning from incarceration reside in Baltimore City.**

**The Department of Justice has documented high recidivism rates among citizens returning to society, with half of all returning citizens reoffending within three (3) years and sixty percent (60%) reoffending within five (5) years. One of the primary drivers of these high recidivism rates is the inability to secure employment. More than sixty percent (60%) of formerly incarcerated persons remain unemployed one (1) year after release. This is mainly because more than eight-five percent (85%) of employers perform criminal background checks on job applicants, and deny employment to applicants with a criminal record. A criminal conviction of any sort reduces job opportunities in half. This leaves many citizens who completely paid their debt to society with a criminal record and unable to obtain gainful employment. A 2015 Manhattan Institute study revealed that employment, especially within the first six (6) months of release, drastically lowers the likelihood of recidivism for nonviolent offenders.**



**Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, Maryland has much longer waiting periods for expungement than several other states. Under Maryland Criminal Procedure Ann. Cod, §10–110A, an individual must wait ten (10) years before becoming eligible to expunge most *nonviolent* misdemeanor convictions, and fifteen (15) years for common-law battery, 2nd-degree assault, and non-violent felonies. The eligibility period does not begin until *after* completion of the entire sentence, parole, probation, drug treatment, *and/or* any mandatory supervision. In most instances, the waiting period is longer than the actual sentence, thereby creating major barriers to education, employment, housing, public assistance, occupational licensing, and much more. According to a recent report from the Collateral Consequences Resource Center (CCRC), forty-two (42) states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah.**

**Additionally, under Criminal Procedure §10–107, charges that arise from the same incident, transaction, or set of facts are considered a “unit of charges.” If a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charges within the unit. This prevents charges that would be eligible for expungement from actually being expunged.**

**Lastly, if an individual violates parole or probation or manages to have a subsequent conviction during the waiting period, it is virtually impossible to expunge the original charge. Many criminal law attorneys and some judges decry their inability to dispense justice due to the complex web of laws blocking expungement access. A 2009 study funded by the National Institute of Justice examined more than 80,000 criminal records and found that there is a point in time when an individual with a criminal record is at no greater risk of committing another crime than other individuals of the same age. But without an expungement, reintegration into society is extremely difficult.**

**SB0017 offers an opportunity to access the expungement process at any time, upon a showing of good cause. The courts retain their judicial discretion in determining expungements.**

**I urge a favorable report on SB17, enabling Marylanders to rebuild their lives.**

Sincerely,

*Jill P. Carter*

Jill P. Carter, Esq.

# **SB017 - Expungement of Records - Good Cause.pdf**

Uploaded by: John Ford

Position: FAV

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident MD District 46. I am a workforce development professional working for the City of Baltimore. I know from my experience how much of a barrier a criminal record can be to re-entry and workforce participation. To end post-carceral extrajudicial punishment, fight crime, and help create a better economy for the working class, **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,  
**John Ford**  
**3301 Fleet St**  
**Baltimore, MD 21224**

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

# **HPRP Testimony SB 17 1-2023.pdf**

Uploaded by: Kirsten Downs

Position: FAV

## SUPPORT

### **SB17– Criminal Procedure-Expungement of Records-Good Cause**

Testimony of  
Kirsten Gettys Downs, Executive Director  
Homeless Persons Representation Project  
Thursday, February 2, 2023  
Senate Judiciary Committee

*Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services organization providing free legal representation to people who are housing insecure 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.*

#### **SB17 will provide access to expungement for vulnerable Marylanders.**

The Homeless Persons Representation Project (HPRP) supports SB17. SB17 allows individuals to realize the benefits of expungement after a showing of good cause. Currently, there is no provision to avoid the ten- or fifteen-year waiting period to obtain expungement of limited convictions –no matter the need or circumstances. For example, under current law, an individual convicted of trespass would have to wait a decade to be considered for employment opportunities that could provide food, safe housing, and other economic opportunities for herself and her family. It is well established that having a criminal record creates barriers to economic and employment opportunities. The existing long waiting periods reinforce these barriers. The “good cause” exception proposed by SB17 will reduce the impact of criminal records and allow criminal-system-involved individuals to participate in their communities fully.

#### **A “good cause” exception to the long expungement waiting periods is in the interest of justice.**

In this era of spotlighting wrongful convictions, there have been efforts to exonerate people charged in serious high-profile cases. However, these initiatives are not generally available for eligible misdemeanor convictions under Section 10-110. According to the report, *Race and Wrongful Convictions in the United States 2022*, “misdemeanor convictions outnumber felonies by at least four to one but account for less than two percent of non-drug exonerations. Only a tiny fraction of innocent defendants who are convicted of misdemeanors or nonviolent felonies are ever exonerated.”<sup>1</sup> The National

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<sup>1</sup> *Race and Wrongful Convictions in the United States 2022* Samuel R. Gross, Senior Editor, srgross@umich.edu Maurice Possley, Senior Researcher Ken Otterbourg, Researcher Klara Stephens, Research Fellow Jessica Weinstock Paredes, Research Fellow Barbara O’Brien, National Registry Of Exonerations, September 2022 available at <https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Preview.pdf>

Registry also recognizes “Group Exonerations” as the exoneration of individuals convicted of crimes due to a pattern of law enforcement misconduct. The Baltimore Gun Trace Task Force group has at least 759 exonerees in the National Registry.<sup>2</sup> The 2020 report of the Maryland Commission to Restore Trust in Policing noted the impact a conviction (whether wrongful or valid) can have on the life of the convicted. The report stated, “The dismissal of pending criminal charges or a criminal conviction against an individual is no trivial matter. Each criminal case involves a human being charged as a defendant, and the criminal process significantly impacts that defendant, his/her family, the defendant’s ability to work, the victims of the alleged crime, and the victim’s family.”<sup>3</sup> SB17 provides an avenue for the courts to remedy the injustice of invalid convictions for misdemeanors and certain enumerated nonviolent felonies.

### **Criminal records disproportionately impact Black and brown communities.**

It is well established that the criminal system has disproportionately impacted people of color. According to a report by the National Registry of Exonerations, “Black people are more likely to be stopped, searched, arrested and prosecuted in routine drug possession cases;... Black people are also the main targets in a shocking series of scandals in which police officers systematically framed innocent defendants for drug crimes that never occurred.”<sup>4</sup> Efforts to change this systemic injustice must include addressing the collateral consequences of decades of discriminatory policies, such as the economic barriers created by criminal records. For example, over 60% of employers would “probably not” or “definitely not” consider a job applicant for employment once they become aware that the individual has a criminal record.<sup>5</sup> According to “employment testing” studies, workers of color with a criminal record are even less likely to be interviewed for a job when compared with similarly situated whites.<sup>6</sup> The National Institute of Justice reported that having a criminal record reduced the prospect of employment by two-thirds for African Americans. The same studies also showed that Hispanic and Latino Americans suffered similar penalties for a criminal record. The ability to expunge these convictions is a significant step toward equity, but a decade of delayed justice does little to relieve the burden on Black and brown communities. SB17 moves Maryland closer to realizing systemic transformation.

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<sup>2</sup> National Registry of Exonerations – Group Registry, available at <https://exonerations.newkirkcenter.uci.edu/groups/group-exonerations>

<sup>3</sup> Commission to Restore Trust in Policing, Commission Report, December 2020 available at: [https://exonerations.newkirkcenter.uci.edu/groups/sites/default/files/2021-01/Final\\_Report\\_on\\_Restoring\\_in\\_Baltimore\\_Police.pdf](https://exonerations.newkirkcenter.uci.edu/groups/sites/default/files/2021-01/Final_Report_on_Restoring_in_Baltimore_Police.pdf)

<sup>4</sup> Race and Wrongful Convictions....

<sup>5</sup> Harry Holzer, Steven Raphael, Michael Stoll, “Perceived Criminality, Criminal Background Checks and the Racial Hiring Practices of Employers,” (April 2005), at page 3.

<sup>6</sup> Devah Pager, “The Mark of a Criminal Record” 108 AmJ.Soc. 937 (2003)

**The “good cause” exception will positively impact citizens experiencing homelessness.**

The number of Americans caught in the revolving door between homelessness, and the criminal system is in the tens of thousands.<sup>7</sup> Formerly incarcerated people are almost ten times more likely to be homeless, and experiencing unsheltered homelessness increases people’s interactions with the criminal system. Despite guidance from HUD that criminal record screening can violate the Fair Housing Act<sup>8</sup> and recent HUD research finding “criminal history is not a good predictor of housing success,” landlords routinely reject tenant applicants with a criminal record regardless of its content, age, or direct relationship to housing.<sup>9</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 minor convictions. Criminal records both cause homelessness and prevent individuals from ending their homelessness. The “good cause” exception will provide those at risk of homelessness access to the critical permanent housing resources and employment opportunities needed to end a person’s experience of homelessness.

**HPRP strongly urges the Committee to issue a favorable report on SB17.** Please contact Kirsten Gettys Downs ([kgettysdowns@hprplaw.org](mailto:kgettysdowns@hprplaw.org)) with questions or for additional information.

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<sup>7</sup> U.S. Interagency Council on Homelessness, Reduce Criminal Justice Involvement, August 15, 2018, available at <https://www.usich.gov/solutions/criminal-justice>.

<sup>8</sup> U.S. Department of Housing and Urban Development, Implementation of the Office of General Counsel’s Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions, June 10, 2022, available at <https://www.hud.gov/sites/dfiles/FHEO/documents/Implementation%20of%20OGC%20Guidance%20on%20Application%20of%20FHA%20Standards%20to%20the%20Use%20of%20Criminal%20Records%20-%20June%2010%202022.pdf>.

<sup>9</sup> HUD Office of Policy Development and Research, Tenant Screening with Criminal Background Checks: Predictions and Perceptions are not Causality, May 17, 2022, available at <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-051722.html>.



**SB 17 - FAV - Women's Law Center of MD.pdf**

Uploaded by: Laure Ruth

Position: FAV

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BILL NO: Senate Bill 17  
TITLE: Criminal Procedure – Expungement of Records – Good Cause  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 2, 2023  
POSITION: **SUPPORT**

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Senate Bill 17 would alter the Court and Judicial Proceedings Article to add the ability to seek expungement of a court or criminal record for good cause. The Women’s Law Center (WLC) supports SB 17 because we believe in second chances and this bill would allow for a person to be heard and perhaps be granted expungement if their individual circumstances merit it.

Over the past several years the Legislature has modified the state’s expungement laws, generally to allow for expungement in increased circumstances. Senate Bill 17 would add this simple provision. The person seeking expungement would have to convince a court that good cause exists to expunge their criminal charge. For the purposes of the WLC, this bill does not alter any expungement for criminal convictions of domestically related crimes. Those domestically related crimes, perpetrated against a specific victim, must adhere to existing laws on expungement. And SB 17 will not flood the courts with requests as other provisions apply in certain circumstances.

Therefore, the Women’s Law Center urges a favorable report on Senate Bill 17.

*The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. Our mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. We advance our mission through direct legal representation, information and referral hotlines, and advocacy.*

# **Strib'ble Districtsb17 .docx.pdf**

Uploaded by: LaWann Stribling

Position: FAV



Maryland General Assembly  
Maryland Senate Judicial Committee  
Annapolis, MD - February 1, 2023

Testimony from LaWann Stribling, Strib'ble District LLC

Support:Criminal Procedure - Automatic Expungement - (SB0017)

Thank you for your commitment to end the “intentional” war on drugs. Before I go into the referendum request, I would like to begin with why being treated like a criminal for using nature's medicine should without a doubt end.

In order to understand how we got to this point in law, one needs to know the history behind the War on Drugs. In 1930, Harry Anslinger was appointed by his father to be the first Commissioner of the Federal Bureau of Narcotics, now known today as the DEA. From his appointed positions Anslinger opined for extremely harsh drug laws and ridiculously long prison sentences. This began the foundation that ultimately led to the mass incarceration of people of color, mainly those of African and Mexican descent. From then, Police Departments began to have militarized access to raid homes and businesses of Black and Brown residents which included known musicians, actors and actresses.

Persecuting Black and Brown Residents destroyed the backbone for these families for centuries to come. It is 2022 and we are still suffering from the damage caused by Anslinger's – and later Richard Nixon, Reagan & Clinton's, ramped up War on Drugs. This War on Drugs has created a profitable business for Private Prisons, bail bonds and cities across the country and nation. Anslinger associated cannabis use with the enabling of Black and Brown residents with the belief that it gave us a sense of entitlement for success. Being able to use laws to harass,

incarcerate and murder have created the world we live in today that is full of inequities, inequalities and injustices.

Addressing the criminality in Cannabis today would free those incarcerated, change the racist laws surrounding drugs and plants and give hope to our current and future generations. Social equity in Cannabis would allow families to rebuild what has been stripped from them. Decriminalizing this type of profiling will begin to address the disenfranchisement and inequity would begin to correct the decades of unfairness to many Black and Brown families. It's HOPE, hope that we can live our lives using natural holistic methods for wellness without criminalization and prosecution. To have a way for families to build up wealth and change the climate of poverty, red lining, lack of education, proper medical care, finances and resources.

I aspired to apply to be a processor on the cottage level for cannabis infusions. That dream quickly faded when I began to read the application process. That dream would not come to fruition with current policies that emphasize the need for excessive equity and capital. I do not possess either! I could not afford step 1 in the application process which cuts my family's cottage business dreams down. Providing low barriers of entry into the industry seeks to amend the history of injustices surrounding marihuana, poverty, redlining, mass incarceration and lack of wealth and resources for Black and Brown residents. I'm HOPE, I'm a great example of needing equity, equality and inclusion as a family owned bootstrapping cottage business.

It is past time to correct the foundational racist laws that govern our everyday lives.

I fully support bills to address social equity, home grow, decriminalization and cottage businesses.

<https://www.weresurviving.com/post/cannabis-freedom-day-520>

Harry Anslinger's quotes:

“. . . the primary reason to outlaw marijuana is its effect on the degenerate races “ ---**(attributed to) Harry Anslinger during congressional hearings**

“Marihuana leads to pacifism and Communist brainwashing.” — **(attributed to) Harry Anslinger during congressional hearings (era 1947-48)**

“Negro entertainers with their jazz and swing music are declared an outgrowth of marihuana use which possesses white women to tap their feet.” — **statements to Congress by Anslinger, FBN - 1937-50:**

Thank you for allowing my submission,

LaWann Stribling, a Wife, Mom, Entrepreneur, Advocate & Lobbyist  
[linktr.ee/stribbles](http://linktr.ee/stribbles)

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7720 Jacobs Drive

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Ref: [Anslinger's Quotes](#)

Cannabis Freedom Day 520

by LaWann Stribling

The National Cannabis Festival truly did its thing AGAIN! As a 1st timer to the Policy Summit to a returning Advocacy Vendor to a Ticket Holder to enjoy the festivities the entire showcase was set up for everyone's enjoyment that's 21 and over. If you didn't get a chance to attend the Summit this year, be sure to sign up for next year when it is available. The Amphitheater at the Ronald Reagan Building gave off a natural flowy intimate vibe for these one on ones and panelist discussions. You missed the opportunity to hear from amazing Women in Advocacy like Toi Hutchinson President & Founder MPP to US Senate Candidate Gary Chambers Jr Gary Chambers for Louisiana | Do Good. Seek Justice. Did I mention the matter of water retention? It is always a great place to be when you get to learn new things. I find it peculiar that this summit was held at the Ronald Reagan Building "Just Say No"!

Now that 420 is out the way let's get back to focusing on ACTION!

That action being advocating, educating and lobbying for Parents, Adults and Children Patients to have #cannabisfreedom. Cannabis Freedom should be a birth right for every individual born. Are you aware that prior to the introduction of hypodermic needles cannabis was medicine for everyone? I recall opening the medicine cabinet in our family home in NWDC growing up and seeing tincture bottles. Cannabis as medicine can be traced back 6000 years. You can find many references in medical journals from China, India & Egypt. These journals document the uses of hemp for its protein rich fibers, oils and seeds to produce cloths, paper and rope. India lists cannabis as 1 of the five sacred plants of Hinduism. Cannabis was integral in worship. People started using it to alleviate epilepsy, rabies, rheumatism, anxiety, and even bronchitis and asthma. To this date cannabis is an essential ingredient to a popular drink called bhang.

Historical evidence suggests China was the 1st culture to use cannabis to alleviate pain and other various treatments. Even with the medicinal benefits, back in 4000 B.C. Physicians warned their patients that using the plant excessively could cause them to see demons.

In Medieval Times a Persian Physician lists cannabis as one of the most effective drugs for curing edema, gout, headaches, severe wounds, as well as epilepsy. In the 1300s Africa is recorded for using cannabis to treat asthma, fever, malaria, and dysentery. Europeans relied on cannabis as a means of treating various conditions such as cough, tumors, and jaundice. In the 1600s Spanish Conquistadors brought hemp cannabis to North and South America. It took another 200 to 300 years before Cannabis therapeutic benefits were discovered in America. In the 1830s to 1840s an Irish Physician named William O'Shaughnessy advocated the use of cannabis for treating rheumatism and nausea both in England and America. He discovered that the drug was completely safe, so he began prescribing it to his patients, which brought him a fair deal of success. One of his biggest achievements came when he managed to successfully treat muscle spasms caused by rabies and tetanus. Dr O'Shaughnessy introduced Cannabis Sativa and Cannabis Indica to England and America. In the 19th Century Marihuana became mainstream medicine in the west. Pharmacies sold cannabis-based cures and more than 100 papers were published on the therapeutic uses of cannabis.

Learning about the foundations of Cannabis around the world makes you wonder how this amazing plant became a prohibited schedule 1 drug. Dr. O'Shaughnessy's research also led to the development of intravenous therapy. The hypodermic needles were also invented around this time. This discovery pushed the treatment of medical marihuana to the beginning of extinction. Vaccinations were invented like the tetanus that put cannabis in the redundant category along with the invention of synthetic painkillers like aspirin. In 1937 The Marihuana Tax Act completely terminated the use of Cannabis for Medicinal Purposes. This is the foundation of our profitable criminal justice system and failed mental healthcare programs.

Drafted by the Founding Father of Cannabis Prohibition Harry Anslinger. The Marijuana Tax Act of 1937 is a U.S. federal law that imposed tax on the sale of cannabis, hemp, or marijuana.

According to Wikipedia: The total production of hemp fiber in the United States in 1933 decreased to around 500 tons per year. Cultivation of hemp began to increase in 1934 and 1935, but production remained low compared with other fibers. Interested parties note the aim of the Act was to reduce the hemp industry through excessive taxation largely as an effort of businessmen Andrew Mellon, Randolph Hearst, and the Du Pont family. The same parties argue with the invention of the decorticator, hemp was an economical replacement for paper pulp in the newspaper industry. Newspaper magnate William Randolph Hearst realized cheap, sustainable, and easily-grown hemp threatened his extensive timber holdings. Mellon, Secretary

of the Treasury and the wealthiest man in the US, invested heavily in the Du Pont family's new synthetic fiber, nylon, to compete with hemp.

The American Medical Association (AMA) opposed the taxation because the tax was imposed on physicians prescribing cannabis, retail pharmacists selling cannabis, and medical cannabis cultivation/manufacturing. The AMA proposed cannabis instead be added to the Harrison Narcotics Tax Act. The taxation 'law' was passed despite objections of the American Medical Association. Dr. William Creighton Woodward, legislative counsel for the AMA, objected to the taxation on the grounds the bill was written by Du Pont lawyers without the legally-binding time to prepare their opposition to the bill. He doubted their claims about marijuana addiction, violence, and overdose; he further asserted that because the Spanish word Marihuana was largely unknown at the time, the medical profession did not realize they were losing cannabis. "Marijuana is not the correct term ... Yet the burden of this bill is placed heavily on the doctors and pharmacists of this country."

After hearings with lawyers from Du Pont Chemicals and the Hearst Newspapers Group, the taxation was passed on the grounds of 'differing' reports and hearings. Anslinger also referred to the International Opium Convention from 1928 included cannabis as a drug not a medicine. All state legislators approved identical 'laws' against improper use of cannabis (for ex. the Uniform State Narcotic Act). By 1951, however, spokespeople from Du Pont, Hearst and others came up with new improved rationalizations, and the Boggs Act superseded the Marihuana Taxation Act of 1937. In August 1954, the Internal Revenue Code of 1954 was enacted, and the Marihuana Taxation Act was included in Subchapter A of Chapter 39 of the 1954 Code.

Now that we got some history behind Cannabis Prohibition, are you aware the State of Maryland is 1 of the last states to decide if they will legalize cannabis? Are you aware that Maryland is still arresting residents for cannabis even though we have a legal medical program? In 2020 91% of arrests in Baltimore, MD were cannabis related. In Maryland, cannabis ownership of fewer than 10 grams is legalized and punishable by a civil fine of up to \$100. It is a crime to have any amount of marijuana in your possession with the intent to sell it. The maximum penalty is five years in jail and a fine of \$15,000 if the quantity is less than 50 pounds. The penalties are the same with weights larger than 50 pounds, except that a five-year obligatory minimum jail sentence is applied.

Maryland has a "drug kingpin" legislation that punishes elevated smugglers with at least 20 years in jail and up to 40 years in jail, as well as penalties of up to \$1 million. In addition, transporting marijuana is a crime in Maryland, with any cannabis violation involving five kilos or more being deemed smuggling. The maximum penalty is 10 years in jail plus \$10,000 in penalties if the amount is between five and 45 kg. The maximum penalty for trafficking is 25



years in jail and \$50,000 in fines for amounts higher than 45 kilos. For drug trafficking while in possession of a handgun, a term of at least five years and up to twenty years is imposed.

According to the Maryland Reporter, medical marijuana boosted tax revenue. The “drug” injected \$10,371,437 into the state revenue in the 2019 financial year. The figure was more than what the entire state spent, which was to the tune of \$5,608,806. Proceeds from medical marijuana sales could have funded the state expenditure that year. This figure marked a magical leap from about \$3.5M in the previous year. Maryland companies earned a whopping \$96 million altogether.

I ask again, why is this amazing plant being used to criminalize citizens that choose to medicate naturally? It is our responsibility as residents to correct the racist wrongs of the past. We don't need another study or report to show you the conditions melanated individuals have been living under with the Cannabis Prohibition. As an advocate for justice, I try to donate and bring awareness to matters of importance. When it comes to criminal injustices our state is complicit in many falsified facts to make the case stick and win in the court of law. It is our duty to speak against these injustices and to fight for the power of the people. Martin Mitchell and Stanford Fraser recently held an expungement clinic in Laurel MD. From their event I was introduced to Quiana Johnson, Founder of Life After Release Organization. I was overcome with excitement because I was not aware that we had a local organization for formerly incarcerated, especially woman owned. Life After Release (LAR) is a formerly incarcerated women-led organization in the DMV area (DC-Maryland-Virginia). We are organizing to build a post-conviction movement where we have the right to challenge our convictions and the system responsible for convicting us in the first place. Our work is grounded in a vision of self-determination for directly-impacted communities and has four main pillars....

The focus is Cannabis Freedom! As most of you are aware Jonathan Wall's trial begins today in Baltimore, MD. The action for this month is to support cannabis freedom in Maryland, The Country and World by advocating to free Jonathan Wall and all other non violent residents incarcerated by the Intentional War of Drugs. Jonathan's support team is requesting you show up at the court house to show your support throughout the duration of this trial. Click the link for more details.

LaWann Stribling

Strib'ble District LLC

Deputy Director MDNORML

Resources Below:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2561263/>

<https://greencamp.com/history-of-medical-marijuana/>

<https://www.breakingasia.com/china/chinas-ancient-cannabis-culture/>

[https://en.wikipedia.org/wiki/Leary\\_v.\\_United\\_States](https://en.wikipedia.org/wiki/Leary_v._United_States)

<https://ucr.fbi.gov/crime-in-the-u.s/1996/96sec5.pdf>

# **SB017 - Expungement of Records - Good Cause -FAV-**

Uploaded by: Liz Simon-Higgs

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of Maryland District 46. **I am testifying in support of Senate Bill 17.**



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the “Unit Rule<sup>3</sup>” prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,  
Liz Simon-Higgs  
308 E Randall Street, Baltimore, MD 21230  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

# **SB 17 MOPD Fav Testimony - 2023 .pdf**

Uploaded by: Mary Denise Davis

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
ACTING DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 17 Criminal Procedure - Expungement of Records - Good Cause**

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

**POSITION: Favorable**

**DATE: January 25, 2023**

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 17.

The Maryland General Assembly has taken huge steps forward in providing assistance to thousands of Maryland citizens through expanding the eligibility of dispositions and the automatic expungement of favorable dispositions. Thank you; for you may not realize how many lives you have impacted for the better.

The Office has seen these improvements as we have counseled and advised thousands of members of communities throughout Maryland on their expungements over the years. Our attorneys have assisted clients on expungements via individual representation and our office has participated in community events. We have filed, argued, advocated, and reformed the expungement law through court proceedings.

Two recent appellate decisions have drastically changed the filing of an expungement petition. *In Re Expungement Petition of Meagan H.* and *In Re Expungement Petition of Vincent S.*, the appellate court indicated that anyone that has any type of a violation of probation would not be eligible for expungement. These decisions are counter intuitive to the expungement statute. To preclude an otherwise permissible expungement because of a mere technical violation of probation – for example a missed visit or one failed drug test – would undermine the purpose of expungement processes. Specifically, there is language in Criminal Procedure § 10-110 that permits the Judge to look at the individual applying for expungement and contemplate their current circumstances in respect to their expungement. Removing this individualized discretion from the expungement process would be draconian.

Senate Bill 17 will reduce the restriction that was recently created by the appellate courts.  
**And allow a Judge to look at the individual applying for expungement under an appropriately discretionary good cause exception.**

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 17.**

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

**Authored by: Mary Denise Davis, Chief Attorney of the Pretrial Unit, Baltimore City  
marydenise.davis@maryland.gov, 410-878-8150.**

# **M Badeker\_SB017 - Expungement of Records - Good Ca**

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 8. I **am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

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Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,

Melissa Badeker

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

3020 Linwood Avenue, Parkville MD 21234  
443-977-7596  
Showing Up for Racial Justice Baltimore

# Good Cause Expungement - SB17.pdf

Uploaded by: Psalms Rojas

Position: FAV



## **TESTIMONY IN SUPPORT OF SB17** **Good Cause Expungement**

February 1, 2023

Senator William Smith  
2 East Miller  
Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

### **Testimony of Marian House in Support of SB17**

Dear Chairman Smith, Vice-Chair Waldstreicher,  
and members of the Judiciary Committee,

Marian House is a holistic, healing community for women and their children who are in need of housing and support services. Marian House provides comprehensive support services to assist women with experiences of trauma, including poverty, substance abuse, and incarceration. **I write to urge you to support Senate Bill 17 - Criminal Procedure – Expungement of Records – Good Cause**

Over forty years ago, Marian House was opened to provide reentry supports for women leaving incarceration as Sisters and laywomen recognized that lack of support contributed to recidivism rates. Today, we have also expanded to serve women with histories of trauma including homelessness, incarceration, neglect, substance abuse and mental health needs. Since our opening, we have assisted women who have been victims of crime in reinventing and rebuilding themselves through services such as: counseling, substance abuse treatment, job training and providing both long and short-term housing. All the women we have served have overcome obstacles on their journeys to become contributing members of society in the Baltimore area.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. [Over 60 percent of formerly incarcerated persons remain unemployed one year after release](#). This is mainly because more than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, Maryland has drastically longer waiting periods for expungement than most other states: 10 years for *eligible* misdemeanors and 15 years



# MARIAN HOUSE

Women Moving from Dependence to Independence

for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. Lastly, if an individual receives a violation of parole or probation or manages to catch a subsequent conviction during the waiting period, the original charge becomes impossible to expunge even decades later.

SB17 allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. Marian House fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland.

On behalf of the women we serve at Marian House, I respectfully urge you to take the call to action in **SUPPORT of SB17**.

Thank you for your support,

A handwritten signature in black ink, appearing to read 'Katie Allston', with a long, sweeping underline.

Katie Allston, LCSW-C  
President and C.E.O.

# **SB017 - Expungement of Records - Good Cause.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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of **District 45. I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

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

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

# **SB 17 - Criminal Procedure - Expungement of Recor**

Uploaded by: Robin McKinney

Position: FAV





SB 17 - Criminal Procedure - Expungement of Records - Good Cause  
Senate Judicial Proceedings Committee  
February 2<sup>nd</sup>, 2023  
SUPPORT

Chairman Smith, Vice-Chair, and members of the committee thank you for the opportunity to support Senate Bill 17. This bill gives the courts flexibility to grant expungements to returning citizens if the courts deem it appropriate.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate-income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

According to the Bureau of Justice Statistics (BJS), one in three US adults has a criminal record that will surface in a routine background check. In Maryland, [it is estimated that 1.5 million residents, nearly 25% of the state's population](#), have a visible criminal record. Mass incarceration and hyper-criminalization serve as major drivers of poverty; having a criminal record can present obstacles to employment, housing, public assistance, education, family reunification, building good credit, and more.

As each individual case is as different, it is reasonable that state law grant courts the power to use their discretion to allow for expungements in certain cases. Since criminal convictions cause massive barriers to employment, housing, public assistance, et. al, and current expungement laws (e.g. unit rule, subsequent convictions, waiting periods post-conviction, etc.) severely restrict courts from using their discretion in granting expungements for eligible convictions, it is also reasonable that state law should grant courts the power to expunge convictions on a showing of good cause.

We ask that you vote to add the "Good Cause" Expungement Provision in Criminal Procedure §10–105(c9) to Criminal Procedure §10–110 allowing the courts, who levy charges/convictions against the individual, to expunge those charges as they see fit.

***We appreciate your consideration of Senate Bill 17 and encourage a favorable report.***

*Creating Assets, Savings and Hope*

# **SB017 - Expungement of Records - Good Cause.pdf**

Uploaded by: Sarah Johnson

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident of District 41 in Roland Park. **I am testifying in support of Senate Bill 17.**



This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing expungement services. First, our state has drastically longer waiting periods than most other states: 10 years for *eligible* misdemeanors and 15 years for nonviolent felonies. In most instances, the waiting periods are *far* longer than the actual sentence, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the "Unit Rule"<sup>3</sup> prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. Lastly, if an individual receives a violation of parole or probation or is subsequently convicted during the waiting period, the original charge becomes impossible to expunge even decades later.

Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,  
Sarah Johnson  
1 Merryman Court, Baltimore MD 21210  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

# **SB017 - Expungement of Records - Good Cause.pdf**

Uploaded by: Tamara Todd

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, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice and the Job Opportunities Task Force. I am a resident MD District 10. **I am testifying in support of Senate Bill 17.**

This bill seeks to reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state. It allows the courts to grant a petition of expungement at any time on a showing of good cause.

A criminal record can easily be both the cause and consequence of poverty. Every year, thousands of Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Over 60 percent of formerly incarcerated persons remain unemployed<sup>1</sup> one year after release. This is mainly because more than 90% of employers perform background checks on all of their job applicants, according to the Society for Human Resource Management,<sup>2</sup> often denying employment to returning citizens based on a record. Thus, to properly reintegrate back into society, access to criminal record expungement is necessary.

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Because this law allows the courts to grant a petition for expungement at any time on a showing of good cause, the courts can use their judicial discretion in determining expungements, as one judge did in Baltimore County, to get around the unit rule issue<sup>4</sup>. This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. This law would be an important tool in eliminating barriers to employment and other crucial aspects of life for low-income workers in Maryland.

It is for these reasons that I am encouraging you to vote **in support of Senate Bill 17.**

Thank you for your time, service, and consideration.

Sincerely,

Tamara Todd

221 Northway Rd, Reisterstown, MD, 21136

Showing Up for Racial Justice Baltimore

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<sup>1</sup> <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

<sup>2</sup> [https://www.slideshare.net/shrm/background-check-criminal?from=share\\_email](https://www.slideshare.net/shrm/background-check-criminal?from=share_email)

<sup>3</sup> <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=10-107>

<sup>4</sup> <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

**MCPA-MSA-SB 17-Expungments-Good-Cause\_Oppose.pdf**

Uploaded by: Andrea Mansfield

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

**TO:** The Honorable William C. Smith, Jr. Chairman, and  
Members of the Judicial Proceedings Committee

**FROM:** Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

**DATE:** February 2, 2023

**RE:** **SB 17 – Criminal Procedure – Expungement of Records - Good Cause**

**POSITION:** **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE** SB 17. This bill would allow individuals who have been convicted of certain crimes, including serious misdemeanors and felonies, to have records relating to their convictions expunged “at any time on a showing of good cause.” “Good cause” is not defined.

Under Crim. Pro. §10-105(c), an expungement based on an acquittal, a nolle prosequi, or a dismissal “may not be filed within 3 years after the disposition, unless the petitioner files with the petition a general waiver and release of all the petitioner’s tort claims arising from the charge.” Three years covers the statute of limitations for most civil claims that could be filed against law enforcement – or a complainant or witness. Without such a waiver, a plaintiff might file a suit claiming, for example, false arrest or malicious prosecution and the defendant would not be allowed to use and disclose the records relating to the arrest or prosecution.

The same considerations should apply to a person seeking an expungement based on a conviction, where the person has either pled guilty or been found guilty of a crime beyond a reasonable doubt. Under SB 17, a person or entity defending a suit would be prevented from retaining and using relevant and admissible evidence relating to the litigation.

Additionally, SB 17 tends to erode judicial transparency. “The public’s right of access to judicial proceedings is fundamental.” *Le v. Exeter Fin. Corp.*, 990 F.3d 410, 418 (5<sup>th</sup> Cir. 2021). “All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.” Md. Code Ann., Gen. Prov. §4-103. Removing records of criminal prosecutions is inconsistent with the need for openness. As the Fifth Circuit recently observed in the context of sealing orders,

The Judicial Branch belongs to the American people. And our processes should facilitate public scrutiny rather than frustrate it. Excessive secrecy...undercuts the public’s right of access and thus undermines the public’s faith in our justice system. *Le*, 990 F.3d at 421.

For these reasons, MCPA and MSA **OPPOSE** SB 17 and request an **UNFAVORABLE** committee report.

532 Baltimore Boulevard, Suite 308  
Westminster, Maryland 21157  
667-314-3216 / 667-314-3236

# **SB 17 Expungement of Records - Good Cause.pdf**

Uploaded by: John Cox

Position: UNF



**Bill Number: SB 17**  
**Maryland States Attorneys Association**  
**Opposed**

**WRITTEN TESTIMONY OF THE MARYLAND STATES ATTORNEYS ASSOCIATION**  
**IN OPPOSITION TO SENATE BILL 17**  
**CRIMINAL PROCEDURE - EXPUNGEMENT OF RECORDS – GOOD CAUSE**

The Maryland States Attorneys Association is opposed to Senate Bill 17, Criminal Procedure-Expungement of Records – Good Cause and asks for an unfavorable report.

In 2016, the Maryland Legislature embarked on a mission and project which became the Justice Reinvestment Act. Included within this extensive package aimed at addressing the criminal justice system, as it existed, was a major change and expansion of expungement availability for those intent on first paying their debt to society but then intent on making a future for themselves without the constraint of a criminal record. In doing so, however, the Legislature was cognizant of and created statutes which still required some accountability and protection of society. This Bill will take us beyond consideration for some accountability and provide little ability to protect society from those who choose to repeatedly commit offenses.

Senate Bill 17 would effectively eliminate the well-considered time frames for expungement crafted by this Legislature less than seven years ago. Currently, within the lengthy list of misdemeanors in Criminal Procedure Section 10-110 from which guilty findings can be expunged, the time limitations is ten years. This Legislature determined that this was an appropriate time period in which an individual is able to demonstrate an ability to show their desire to be and remain law abiding. It is important to remember, in many or most circumstances, if an individual had committed one of the listed offenses and had no prior record, they had a strong possibility of receiving a Probation Before Judgment (not a conviction) and would have already been able to expunge that under CP Section 10-015 in three years. If they had not received a Probation Before judgement for a first offense, it would seem quite likely that the offense was deemed by the Judge to be so serious that it didn't merit such a disposition. Ten years was a well-considered time period for what was judged to be quite a serious or a repeat offense.

Senate Bill 17 would permit an expungement of a conviction for the enumerated offenses in CP Section 10-110 to occur at any time with a showing of "good cause". Good cause is not defined in the bill. This would mean that a Judge could expunge a conviction at any time for any reason as long as the Judge felt it was a good idea. Expungements do not necessarily go to the Judge who imposed the sentence in a case. One Judge could have imposed a significant sentence either to jail or on probation and another Judge could expunge that case the next day. This makes no sense. The time frames are there for a reason. The statute already sets forth a standard for a Judge to

look at to determine if expungement is appropriate with the time limits in place. That standard is equivalent to a good cause determination. This bill would make those well considered time limits meaningless.

The public deserves to know about the criminal conviction of an individual for at least some reasonable period of time. Please allow the Judges and prosecutors and the public the knowledge of a prior crime until the individual has demonstrated by the passage of a significant period of time that they have demonstrated that they deserve the removal of all record of their past acts.

We request an unfavorable report.