

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