



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



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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,

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