

**SUPPORT**

**SB544 – Criminal Procedure -Expungement of Records  
Waiting Periods (non-convictions)**

Testimony of  
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Senate Judiciary Proceedings

*The Homeless Persons Representation Project (HPRP) is a non-profit legal services organization providing free legal representation to housing-insecure people on issues that remove economic and housing security barriers. HPRP advocates assist families and individuals in approximately 15 community-based legal clinics in shelters, soup kitchens, US Department of Veterans Affairs Medical Centers, and other locations. We handle more than 1,000 cases yearly to help persons obtain stable housing and critical public benefits like food stamps, veterans' benefits, health care, and more. While many legal services organizations focus on providing brief advice to large numbers of clients, HPRP works alongside clients throughout their cases, which can last days, months, or even years.*

**SB544 will expediate expungement relief for vulnerable Marylanders**

The Homeless Persons Representation Project (HPRP) joins in support of SB544. SB544 will reduce the waiting periods for filing to expunge eligible non-convictions. It is well established that having an arrest record, even without a conviction, creates barriers to economic and employment opportunities. The existing waiting periods to expunge non-convictions reinforce these barriers. Eliminating the waiting periods will allow individuals to avoid the stigma and impact of public access to non-convictions.

**Waiting periods for the expungement of non-convictions are inconsistent with legislative goals of reducing recidivism and increasing economic opportunities.**

Even an arrest not followed by a conviction can have lifelong impacts on housing and economic opportunities. Most employers and landlords conduct some form of a background check. Every year, thousands of individuals are excluded from safe, affordable homes and worthwhile employment due to their arrest record, regardless of the arrest circumstances or the lack of a subsequent conviction or guilty disposition. In a recent study, researchers found that "...individuals with more substantial records would be subject to greater amounts of screening and stigma," he said. "Instead, you have a more uniform stigma, certainly in the employment sector, that adheres to people regardless of the extent of the criminal record."<sup>1</sup>

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

It is well established that the criminal system has disproportionately impacted people of color. The disparate impact on people of color makes this a civil rights issue. 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>2</sup> Efforts to change this systemic injustice must address the collateral consequences of decades of discriminatory policies, such as the economic barriers created by criminal records. All justice initiatives must address the collateral consequences of decades of discriminatory policies. For example, 60% of employers would "probably not" or "definitely not"

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<sup>1</sup> Simone Ispa-Landa et al. Indefinite Punishment and the Criminal Record: Stigma Reports Among Expungement-Seekers in Illinois, *Criminology* (2016).

<sup>2</sup> Samuel R. Gross, et al, Race and Wrongful Convictions in the United States, National Registry of Exonerations (September 2022)



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consider a job applicant for employment once they become aware that the individual has a criminal record.<sup>3</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>4</sup> Racial injustice persists, and SB544 is one effective step lawmakers can take to address these disparities. The ability to immediately expunge the stain of criminal dispositions is a significant step toward equity. SB544 moves Maryland closer to realizing systemic change.

**HPRP strongly urges the Committee to issue a favorable report on SB544.** Please contact Kirsten Gettys Downs ([kgettysdowns@hprplaw.org](mailto:kgettysdowns@hprplaw.org)) with questions or for additional information.

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<sup>3</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>4</sup> Devah Pager, "The Mark of a Criminal Record" 108 AmJ.Soc. 937 (2003)