

Dear Delegate Luke Clippinger and Members of the House Judiciary 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. I am a resident of District 46 and I am testifying in support of **HB0746, Criminal Procedure – Non-Convictions Expungement.**



In Maryland, a criminal record is acquired upon arrest, whether or not a person is ever convicted of a crime. That arrest and anything that follows will turn up on a background check, and any case filed as a result- even if it is dismissed or the person is acquitted- will remain publicly visible via Maryland Case Search. The appearance of a criminal record in a routine background check can and often will block access to employment, education, housing, and occupational licensing- all of which are necessary to advance in Maryland. 85% of employers perform background checks on all of their job applicants.¹

Maryland law already recognizes that there's no reason someone who has been acquitted, or whose charges have been dismissed entirely, should have the stain of a criminal record. Unfortunately, to balance the rights of the arrestee against the need of the state to have the evidence they need to defend against any lawsuit, the person must either wait for the statute of limitations for suit to expire (three years) or agree to waive any right to file suit based on their arrest or prosecution. It is unfair to require people to give up any potential legal remedy in order to move beyond an arrest that didn't result in any conviction; arguably, this rule places the greatest burden on those whose arrests may have been unlawful.

There is a simple solution for this conundrum. Maryland law already provides for shielding, or expungement by storage, which allows some categories of case records to be removed from public view without destroying the records entirely. HB0746 would allow the arrest and court records for cases resulting in dismissal or acquittal to be treated this way. This is a good solution for everybody: members of the public can move beyond the closed case without having to give up their option to seek legal advice or take action based upon the state's conduct, and the state will have the needed evidence at its disposal if it is ever required to defend itself in a lawsuit. When the three years has expired, folks who want the records destroyed entirely can file for a regular expungement.

Please vote **in support** of **HB0746**, Criminal Procedure – Non-Convictions Expungement.

Thank you for your time, service, and consideration.

Sincerely,
Lindsay Keipper
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Showing Up for Racial Justice Baltimore

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[https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx#:~:text=A%20survey%20by%20the%20Society,cycle%20\(see%20chart%20below\).](https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx#:~:text=A%20survey%20by%20the%20Society,cycle%20(see%20chart%20below).)