



TESTIMONY IN SUPPORT OF HB0664:

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) HB0664 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.

HB0664 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. **HOPE** 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.