



# MARIAN HOUSE

Women Moving from Dependence to Independence

## **TESTIMONY IN SUPPORT OF HB 746**

### **Criminal Procedure – Expungement of Records – Waiting Period**

February 24, 2023

Delegate Luke Clippinger  
Room 101  
House Office Building  
Annapolis, MD 21401

#### **Testimony of Marian House in Support of HB746**

**Dear Chairman Clippinger, Vice-Chair Moon, 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 House Bill 746 - Criminal Procedure – Expungement of Records – Waiting Period.**

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. Lower-income workers and job seekers are routinely denied employment, housing, and educational opportunities because of a criminal record. More than [85% of employers perform background checks on all of their job applicants](#) and deny employment to many citizens based on a record. A past criminal conviction of any sort reduces job offers by half. Worse yet, in Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual's criminal record and, in Maryland, will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged. There is no valid reason that charges that did not result in a conviction - specifically acquittals, dismissals, and nolle prosequi- should visibly remain on the public record. However, Maryland's current law inadvertently replaces the "innocent until proven guilty" standard with an unjust "guilty even if proven innocent" standard.

Senate Bill 544/ House Bill 746 will remove acquittals, dismissals, and nolle prosequi charges from public view during the three (3) year waiting period to eliminate barriers to employment and public services. A criminal record for charges that have been dropped or voided in the court system should not prevent anyone from participating in Maryland's economy. Marian House fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. Senate Bill 544/ House Bill 746 does just that- it removes an unnecessarily punitive barrier to employment. **For these reasons, we respectfully urge a favorable report of House Bill 746.**

Thank you for your support,

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