



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All

January 23, 2023

Chairman Luke Clippinger
House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: Testimony Supporting House Bill 154: Workgroup to Study the Impact of Court- Mandated Fines and Fees

Dear Chairman Clippinger and Members of the Committee:

Thank you for the opportunity to testify on House Bill 154, which is a vital step towards ending the routine punishment of poverty in our state. Maryland Legal Aid (MLA) submits this testimony at the request of Delegate Melissa Wells.

MLA assists low-income individuals throughout the state with civil legal challenges, including criminal record expungements. Through our expungement work, we are in a unique position to know how fines and fees harm Marylanders years, even decades, after the conclusion of a criminal case. MLA files thousands of expungement petitions each year; many otherwise eligible expungement petitions are denied *only* because of outstanding fines and fees. This practice criminalizes poverty. House Bill 154 is in line with a nationwide movement toward reduction and elimination of these fines and fees. Their imposition disproportionately impacts low-income people and communities of color, essentially placing a price tag on equal justice.

Though it is MLA's position that all people are entitled to expungements within the bounds of the law, it is especially disheartening when an expungement petition is denied for unpaid fees in a case that did not result in a conviction. It is fundamentally unfair, and flies in the face of the presumption of innocence, for a person to owe a fine or fee in a case where they were not even found guilty of the offense. Yet this happens with regularity. Just this month, we are seeking expungement of a simple marijuana case on a client's record. The case ended in probation before judgment, not a conviction. The State's Attorney's Office affirmatively supports expungement in this case. And, of course, marijuana will soon be legal for personal use in our state, including automatic expungement for

older marijuana cases. Yet our client owes \$45 in fines and fees—yes, \$45—and that puts his expungement at risk.

What is more, and as often happens to our clients, that \$45 debt has already been sent to the Central Collections Unit. Should the expungement happen, CCU could still employ its debt collection arm to collect any moneys owed, and the State could still be made whole. Therefore, to deny expungement for a \$45 fee in this situation—or any fee in any case—defies logic. And yet it happens all the time.

Fines and fees related work often and understandably centers around the criminal courts and institutionalization. This is important work; no one should have to choose incarceration because of an inability to pay a fine. Yet, MLA is uniquely positioned to see the long term, civil impacts of fines and fees. These impacts are often referred to as “collateral consequences”, implying that they are secondary and somehow unimportant; they are anything but. Inability to receive an expungement because of an unpaid fine or fee can impact an individual's ability to parent their children, to obtain work and professional licenses, and to secure housing; the very basic rights all Marylanders deserve to exercise. This also makes denying expungement for unpaid fines and fees fiscally counterproductive. Our clients are already back in society and looking to contribute, yet this arcane law would rather have a handful of dollars in fines than the full-throated participation in the economy that expungement facilitates. This makes no sense.

It is true that not every State’s Attorney Office objects to these matters and that not every court denies expungement petitions based on unpaid fines and fees. Some courts will waive fees after submission of a motion. Still others will set in hearings, at which the petition may or may not be denied. While we appreciate any favorable dispositions, they only prove the lack of consistency across the system. Cases that are set in for hearings can take months or a year to be heard, further delaying resolutions for clients. These cases draw resources away from Maryland’s courts and create undue burdens for petitioners, especially low-income individuals who have more difficulty arranging and paying for travel and childcare. Not only will House Bill 154 free judicial resources for use elsewhere by eliminating unnecessary court hearings, it will allow MLA and other attorneys to allocate more time and resources to assist Marylanders with other critical legal issues. These are yet more reasons to support the bill, in addition to the benefits to our vulnerable clients.

Thank you for providing Maryland Legal Aid the opportunity to comment on this important piece of legislation. Maryland Legal Aid supports House Bill 154, asks that this committee give it a favorable report, and strongly urges its passage into law.

/s/Corinne ‘Cory’ Warren
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