

TESTIMONY IN SUPPORT OF SENATE BILL 544 / HOUSE BILL 746:
Criminal Procedure – Expungement of Records – Waiting Period

TO: Members of the Senate Judicial Proceedings and House Judiciary Committees
FROM: Ms. Qiana Johnson

Life After Release

I, Ms. Qiana Johnson Executive Director of LAR support(s) Senate Bill 544/ House Bill 746 as a means of reducing the impact of incarceration on lower-wage workers and eliminating barriers to employment. 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 prosequis- 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. **Life After Release** 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 Senate Bill 544/ House Bill 746.

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