

# JOTF JOB OPPORTUNITIES TASK FORCE

*Advocating better skills, jobs, and incomes*

## Testimony in Support of Senate Bill 602

### **Criminal Procedure - Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)**

TO: Hon. William C. Smith, Jr, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Job Opportunities Task Force

DATE: February 21, 2024

POSITION: Favorable with Amendments

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports Senate Bill 602 with amendments, which establishes procedures and requirements for automated expungement for certain eligible offenses.**

It is important to note that automatic expungement has traditionally meant the obliteration of the records or the removal from any inspection except through a court order. JOTF continues to support expungement bills that will remove criminal records that act as barriers to employment. Senate Bill 602 is a great first step in allowing the automatic expungement of criminal convictions under §10-105, §10-107, and §10-110. It recognizes that the passing of time is a key motivator for rehabilitation. Senate Bill 602 is stating that a misdemeanor is eligible after 10 years - except for certain domestically related convictions and a felony conviction is eligible after 20 years, including these domestically related misdemeanors. Individuals would not have to file a paper petition but rather after The Clean State time eligibility has passed - the criminal history record information would be removed from the records of the various criminal justice units.

There are several expungement bills currently pending in the 2024 Session that directly relate to Senate Bill 602.

- Senate Bill 11 - Senator Carter's bill that would remove the barrier that says an otherwise eligible favorable or eligible conviction disposition is not barred from being expunged due to the unit rule as defined by § 10-107.
- Senate Bill 454 - Senator Carter's bill that would change the definition of completion of sentence to allow a person who violated their probation to still ask the courts to grant the expungement. § 10-101, § 10-105, and § 10-110
- House Bill 269 - Delegate Grammer's bill that would modify § 10-109 which would provide additional protections for the individual regarding disclosure of an expunged case.

JOTF supports incorporating the language of the aforementioned bills within Senate Bill 602 via the following amendments;

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1. Include the additional language in Senate Bill 454 regarding the definition for completion of sentence under § 10-101.
2. Given that Clean Slate Record Removal is not a complete expungement as defined by the § 10-101, perhaps referred to the process as non-disclosure of records as defined in § 10-401. The reason that Clean Slate Record Removal is not expungement is that language of the bill does not require that once the record is cleared from the criminal justice units' systems that the same records are not expunged from the courts' databases included case search, secured case search, J-portal or MDEC. While § 10-113 (6) of the proposed bill makes reference to Maryland Judiciary Case Search, this may not be sufficient language to ensure an actual expungement. A lesson learned when § 10-401 became law - this non-disclosure did not include other databases beyond public access. Law enforcement still had access through Secure Case Search and J-Portal. The public still could access it through MDEC and Lexis/Nexis websites because the language of that bill was not thought to include all possible public databases that may have the information. JOTF asserts that consistency throughout the criminal code regarding the definition of what constitutes and expungement is critical to ensure formerly incarcerated individuals are informed of the rights and services afforded them.

**For these reasons, JOTF supports Senate Bill 602 and urges a favorable report with amendments.**

**For more information, contact:**

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