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Testimony from:
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R Street Testimony in Support of HB 658 "Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)"

March 5, 2024

Maryland House Judiciary Committee

Chairman Clippinger and members of the committee,

Thank you for your time today. My name is Christi Smith, and I am a senior fellow in the Criminal Justice and Civil Liberties program at the R Street Institute (R Street). I am also a former adult probation and parole officer and a current member of the Bucks County (Pennsylvania) Reentry Coalition's executive committee.

R Street is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform and civil liberty issues. This is why we find House Bill 658 noteworthy and encourage its favorable report out of this committee.

The proposed legislation would facilitate the automated expungement of certain criminal records, provided that the individual has satisfied all of the requirements of their sentence and remained law-abiding in the years that follow. As a former adult probation and parole officer, I have witnessed the Herculean effort required to complete a full term of probation or parole successfully. Individuals are required to comply with a myriad of conditions, many of which are cost-prohibitive; require transportation they might not have; and conflict with their responsibilities at school, work, or at home. It is equally challenging to remain law-abiding after the sentence has been served, as the criminal record acts like an anchor that restricts access to basic life necessities like suitable and stable housing and employment.

Maryland has an opportunity to join a growing list of states that have passed similar legislation, restoring dignity and opportunity to individuals who have long repaid their debt to society. Automating the process eliminates the traditional barriers to completing the petition-based process and expedites the removal of the record from public view, which benefits the individual, their family, and the community.

Records-based discrimination in housing and employment is extremely costly for taxpayers and the economy; with an estimated $78 to $87 billion loss in the national gross domestic product.[1] It is also a primary driver of poverty.[2] The barriers that persist can also disincentivize continued law-abiding behavior and, absent lawful opportunities to support oneself or one's dependents, an individual may feel compelled to return to crime for survival.

Publicly available records are often inaccurate or incomplete and they do not provide context for the crime or the rehabilitative progress that has happened after the arrest or conviction.[3] Using this information to exclude nearly 22 percent of Maryland's adult population from viable opportunities for stability and upward mobility limits the local, regional, and national economy and jeopardizes communities.[4] In this capacity, the current availability and use of old records to reduce access to basic resources is counterproductive to efforts to enhance public safety and grow the economy.

While Maryland has added jobs in key fields, like leisure, recreation, trades, and manufacturing, household surveys indicate rising levels of unemployment and many of the jobs remain unfilled.[5] For the one million adults in Maryland with a criminal record, automated record expungement is an opportunity for those individuals to fill positions in critically needed areas.[6] Studies indicate that employees with expunged records are less likely to commit crime than their counterparts without a criminal history.[7] This is a win-win for the state and the person with the expunged record; jobs are filled by people who are less likely to commit crime, which boosts the economy and allows people to be fully, lawfully reintegrated into their communities. This approach can also incentivize people who are currently serving sentences to comply and complete their requirements and remain law-abiding so that they too will have a second chance in the future.

My home state of Pennsylvania passed clean slate legislation in 2018 and the results are remarkable. More than 1 million residents have benefited from automated expungement and recent further iterations of the law, commonly referred to as Clean Slate 2.0 and 3.0, have expanded the eligibility

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[1] Christi Smith, "The Pathway to Prosperity: How Clean Slate Legislation Enhances Public Safety and Stimulates the Economy," *R Street Policy Study* No. 279, March 2023, p. 2. https://www.rstreet.org/research/the-pathway-to-prosperity-how-clean-slate-legislation-enhances-public-safety-and-stimulates-the-economy.

[2] Rebecca Vallas et al., "A Criminal Record Shouldn't Be a Life Sentence to Poverty," Center for American Progress, May 28, 2021, p.1. https://www.americanprogress.org/article/criminal-record-shouldnt-life-sentence-poverty-2.

[3] Nicole Weissman and Marina Duane, "Five problems with criminal background checks," Urban Institute, March 14, 2017. https://www.urban.org/urban-wire/five-problems-criminal-background-checks.

[4] Jack Ford, "Maryland Clean Slate Act Proposed to Streamline Record Expungement Process" WBOC, Feb. 21, 2024. https://www.wboc.com/news/maryland-clean-slate-act-proposed-to-streamline-record-expungement-process/article_9590afea-d10a-11ee-b523-d3ed4fb4d74e.html#:~:text=According%20to%20the%20Maryland%20Paper,actually%20petition%20to%20do%20so.

[5] "Maryland Employment Report," United States Congress Joint Economic Committee, Sept. 16, 2022. https://www.jec.senate.gov/public/index.cfm/republicans/md.

[6] Ford. https://www.wboc.com/news/maryland-clean-slate-act-proposed-to-streamline-record-expungement-process/article_9590afea-d10a-11ee-b523-d3ed4fb4d74e.html#:~:text=According%20to%20the%20Maryland%20Paper,actually%20petition%20to%20do%20so.

[7] J.J. Prescott and Sonja B. Starr, "The Power of a Clean Slate," *University of Michigan Law School Scholarship Repository* (2020), pp. 28-34. https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3474&context=articles.

criteria and reduced the wait times.[8] Automated record sealing is smart legislation that aligns with best practices and evidence-based policies. Since 2018, 12 states have passed clean slate legislation, some unanimously, and several others have active clean slate campaigns.[9]

House Bill 658 offers a pragmatic solution to reduce crime, poverty, housing instability, unemployment, and underemployment that preserves public safety by restoring access to basic life necessities. Expunging the records for eligible individuals provides access to stable, lawful jobs, and allows people to support themselves and their loved ones, while contributing to the economy. For these reasons, we strongly support House Bill 658 and urge a favorable report from the committee.

Thank you,

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[8] "The Clean Slate Movement," My Clean Slate PA, last accessed Feb. 29, 2024. https://mycleanslatepa.com/movement.

[9] The Clean Slate Initiative, last accessed March 1, 2024. https://www.cleanslateinitiative.org/states.