



Date: March 5, 2024

To: Chair Clippinger, Vice Chair Bartlett and the Judiciary Committee

Reference: House Bill 523 – Criminal Procedure – Expungement of Records – Good Cause

Position: FAVORABLE

Dear Chair Clippinger and Committee Members:

On behalf of LifeBridge Health’s regional health system and our Center for Hope, we thank you for this opportunity to provide information on House Bill 523. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. At LifeBridge Health, we recognize the devastating impact of violence in our communities, and the growing number of victims of all ages. This is a public health issue and we need to help our communities by partnering with the people in them, to break the cycle of violence. We need to partner alongside community leaders, stand shoulder to shoulder with parents and caregivers, and help provide survivors of violence and crime with support and healing, in order to grow a collective hope for a better city and a better world.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the ¹[estimated 25% of working-age Marylanders with a record](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. ²[Over 60 percent of formerly incarcerated persons remain unemployed](#) one year after release. This is mainly because more than ³[85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are *not* eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Additionally, the ⁴[“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that would be eligible for expungement from actually being expunged. For example, if an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later. This bill

¹ https://drive.google.com/file/d/1hUGVpwl6Z_GN4KOK6gV1eNkiyYbjbJI/view

² <https://www.prisonpolicy.org/blog/2022/02/08/employment/>

³ [https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20the%20Society,cycle%20\(see%20chart%20below\).](https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20the%20Society,cycle%20(see%20chart%20below).)

⁴ <https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp§ion=10-107&enactments=False&archived=False>

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allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements, as ⁵[one judge did in Baltimore County, to get around the unit rule issue](https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/). This provision already exists in ⁶[Criminal Procedure §10–105 \(c9\)](https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp§ion=10-105&enactments=False&archived=False#:~:text=%C2%A0(9)%C2%A0%C2%A0%C2%A0%C2%A0%C2%A0%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.) but only applies to non-convictions and is rarely used. Center for Hope fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland.

For all the above stated reasons, we request a FAVORABLE report for House Bill 523.

For more information, please contact:

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⁵ <https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

⁶ [https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp§ion=10-105&enactments=False&archived=False#:~:text=%C2%A0\(9\)%C2%A0%C2%A0%C2%A0%C2%A0%C2%A0%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.](https://mgaleg.maryland.gov/mgaweb/Laws/StatuteText?article=gcp§ion=10-105&enactments=False&archived=False#:~:text=%C2%A0(9)%C2%A0%C2%A0%C2%A0%C2%A0%C2%A0%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.)