

MARYLAND HOUSE OF DELEGATES JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE IN SUPPORT
OF HB0550: CRIMINAL PROCEDURE – PARTIAL EXPUNGEMENT

MARCH 5, 2024

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Chair Clippinger and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 550.

My name is George Townsend and I am a workforce development attorney at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS's founding in 1981, our statewide panel of over 980 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In the most recent fiscal year, MVLS volunteers and staff lawyers provided legal services directly impacting 7,927 people across the state. I am speaking today to urge the Judiciary Committee to issue a favorable report on House Bill 73.

In our work with low-income Marylanders, one of the most common services requested of MVLS attorneys is criminal record expungement. Most of our clients have some charges on their records that can be expunged, and the reduction of their records opens greater opportunities for employment, rental housing, and government benefits.

Very few of our clients, however, walk away from expungement services with their entire public record expunged. Many criminal charges are eligible for expungement under Maryland law, but many are not, and the extensive eligibility requirements of the expungement statutes prevent many charges from ever coming off an individual's record. One of these limitations is the unit rule, which establishes that, when multiple charges arise from a single incident, any one charge being ineligible for expungement renders all related charges ineligible as well.

The harm caused by this rule is obvious to anyone who has ever reviewed a criminal record report. When an individual is arrested for alleged criminal conduct, they are often charged with multiple crimes, which can include a mix of misdemeanors and felonies, or violent and nonviolent offenses. Oftentimes a person can be found guilty of some of these charges but acquitted of other, more serious offenses. Often some charges in a unit will be subject to a nolle prosequi - not prosecuted by the state at all, as the prosecutor elects to proceed on only some of the charged crimes. Under the unit rule, any of the charges in a case resulting in a disposition that is not eligible for expungement means that all the charges become ineligible, even the charges that were never proven, plead to, or even prosecuted.

In our work with Maryland residents training for new careers after criminal convictions, MVLS attorneys have found that the individuals with the highest chances of starting new jobs, finding stable housing, and building a sustainable future are those who are able to clear the most cases from their criminal records. In

incidences where the state of Maryland has determined that a particular criminal conviction should be eligible for expungement after a particular period, or that a particular charge should be expunged because it resulted in a disposition other than guilt, preventing those records from being expunged merely because they arose out of the same incident as an ineligible charge does nothing to further the ends of justice. It instead serves as a weight upon the record of individuals who are trying to move on, to build better futures and to participate in their communities.

For all the reasons stated above, Maryland Volunteer Lawyers Service supports HB0550 and respectfully encourages a favorable report.