



Testimony for the House Judiciary Committee

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HB 523 - Criminal Procedure – Expungement of Records – Good Cause

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The ACLU of Maryland supports HB 523, which would authorize a court to grant a petition for expungement of certain convictions at any time, based on a showing of good cause, rather than only after the prescribed waiting period.

Studies show that employment opportunities can reduce recidivism rates.¹ Yet, for far too many Marylanders, a criminal record—regardless of how minor the offense, can be a bar to opportunities for success. The collateral consequences reach far beyond employment—a criminal record may compromise one’s eligibility for tuition assistance and stable housing. Moreover, these collateral consequences are particularly stark for communities of color.

Criminal records exclude individuals from employment, educational opportunities, public benefits, and stable housing.

The existence of a criminal record can and does create a barrier to employment for many Marylanders. Over 80 percent of U.S. employers perform criminal background checks on prospective employees.² Under current regulations, a misdemeanor conviction in Maryland may result in the denial, suspension, or revocation of myriad business licenses.

¹ Nally, Lockwood, Taiping, and Knutson, *The Post-Release Employment and Recidivism Among Different Types of Offenders With A Different Level of Education: A 5-Year Follow-Up Study in Indiana* (noting that recidivist offenders were likely to be unemployed or under-educated)

² Burke, M.E., 2004 *Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management, Alexandria, Va.: Society for Human Resource Management*, 2006.



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Criminal convictions also serve to exclude persons from educational opportunities. A recent study found that a majority (66%) of colleges collect criminal justice information as part of the admissions process.³

A criminal conviction also hinders an individual's access to stable housing and a range of public benefits, placing them at greater risk for homelessness, housing instability, and recidivism.⁴

Criminal convictions disparately disadvantage individuals, families, and communities of color.

The over-criminalization of communities of color – largely due to the ‘war on drugs’—has produced the startling result that one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen White men.⁵ In addition to facing higher imprisonment rates, Black people, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than their White counterparts.⁶

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from criminal convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuates the cycle of imprisonment plaguing communities of color—without gainful employment and stable housing, individuals are forced to return to livelihoods of criminality.

A person should not be continually defined nor punished for their worst day. Expediting the expungement process based on good cause will help

³ Center for Community Alternatives—Innovative Solutions for Justice, *The Use of Criminal Records in College Admissions, Reconsidered* (available at <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>).

⁴ https://nlihc.org/sites/default/files/AG-2020/6-07_Housing-Access-for-People-with-Criminal-Records.pdf

⁵ <https://www.aclu.org/issues/smart-justice/mass-incarceration/mass-incarceration-animated-series>

⁶ Ibid.



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empower more individuals to re-enter society and participate meaningfully in the workforce.

For the foregoing reasons, we urge a favorable report on HB 523.