

TESTIMONY IN SUPPORT OF SENATE BILL 11/ HOUSE BILL 550

Criminal Procedure - Partial Expungement

TO: Members of the House Judiciary and Senate Judicial Proceedings Committees

FROM: Matt Parsons on behalf of Baltimore Action Legal Team

My name is Matt Parsons, and I am the Community Lawyer with Baltimore Action Legal Team (BALT). BALT supports Senate Bill 11/ House Bill 550 to repeal the “Unit Rule,” which has stood as a permanent roadblock to criminal record expungement. BALT is a legal collective that was founded in response to community calls for legal support during the protests following Freddie Gray’s murder. Since 2015 we remain committed to providing legal education and services to our community which help ameliorate the effects of systemic racism.

A criminal record is both the cause and consequence of poverty and has detrimental effects on the employment, housing, and educational prospects for the [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. This is mainly because more than [85% of employers perform background checks on all their job applicants](#) and deny employment to many returning citizens based on a record. A past criminal conviction of any sort reduces job offers by half. Thus, the ability to expunge a criminal record is vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

Under current Maryland law [Criminal Procedure §10–107](#), charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’. If a person is not entitled to the expungement of one charge or conviction within a unit, 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. Even if the charges resulted in acquittals, dismissals, or nolle prosequi (i.e. “not guilty” verdicts), they would still be available via the Criminal Justice Information System (CJIS) and the Central Repository hosted within the Department of Public Safety and Correctional Services. If a potential employer, institution of higher education, department of licensure, or housing provider seeks to do a fingerprint background check, the full record (including non-convictions) within a unit would become available to them. Most individuals seeking background checks can not accurately distinguish between a conviction and a non-conviction, let alone understand the circumstances that led to a “guilty” verdict in the first place.

Senate Bill 11/ House Bill 550 addresses the challenges associated with the ‘unit rule’ by providing for the ‘partial expungement’ of eligible charges within a unit of charges. We fully support efforts to remove barriers to employment, education, housing, and more for Marylanders saddled with arrests and overcharging. For these reasons, BALT urges a favorable report.