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SUPPORT

HB 550– Criminal Procedure – Partial Expungement

Testimony of

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Homeless Persons Representation Project

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House Judiciary Committee

Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services organization providing free legal representation to people who are housing insecure on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.

HB550: to repeal the “Unit Rule,” which has stood as a permanent roadblock to criminal record expungement.

A criminal record can be 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. Beyond barriers to employment and education, criminal records deeply undermine family stability and wellbeing - with 50% of children having a parent with a record. Homelessness destabilizes families. By contrast, expungements empower societal reintegration. A Michigan study found 96% with sealed records avoided recidivism in 5



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years. Stable housing is crucial to a successful reentry process. Expungements help remove systemic barriers, keeping families housed and reducing returns to jail or prison. The cycle of recidivism worsens with housing loss. Passing equitable expungement policies can mitigate these disparate harms. 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 cannot accurately distinguish between a conviction and a non-conviction, let alone understand the circumstances that led to a “guilty” verdict in the first place.

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.

HPRP strongly urges the Committee to issue a favorable report on HB550. Please contact Kirsten Gettys Downs (kgettysdowns@hprplaw.org) with questions or for additional information.