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## **SUPPORT**

### **HB 73– Criminal Procedure - Expungement - Completion of Sentence**

Testimony of

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Homeless Persons Representation Project

Friday, March 1, 2024

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.*

### **HB73: To reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.**

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting periods in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling. Criminal



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records disproportionately impact Black and brown communities, hindering socioeconomic advancement. A major consequence is homelessness, as landlords often conduct background checks and refuse housing to those with records. This perpetuates poverty cycles and marginalization.

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 study found 96% with sealed Michigan records avoided recidivism in 5 years. Stable housing is crucial to a successful reentry process. Criminal records drive racial inequity, family instability, and homelessness. 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.

House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at “**the time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society.

**HPRP strongly urges the Committee to issue a favorable report on HB73.** Please contact Kirsten Gettys Downs ([kgettysdowns@hprplaw.org](mailto:kgettysdowns@hprplaw.org)) with questions or for additional information.