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House of Delegates Judiciary Committee

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Testimony in Support of HB 658 Clean Slate Act of 2024

To Chairman Luke H. Clippinger and Members of the Committee:

My name is Dr. Laura Chavez, and I am the Director of Research and Data at The Clean Slate Initiative - a national non-profit whose mission is to work alongside states to streamline the record-clearing process and ensure it happens automatically. I am writing on behalf of The Clean Slate Initiative to express our strong support for Senate Bill 602, which aims to address and rectify the impact of past records on individuals and communities.

As of 2019, around 1 million adults in Maryland, or 22% of the adult population, have some form of a record. Arrest and conviction records can present significant barriers to employment, housing, education, and social reintegration. Clean Slate legislation has proven to be an effective tool in addressing these challenges by allowing eligible individuals to have their records automatically sealed, giving them a fresh start.

In Maryland, only 2% of people with convictions eligible for clearance under the current petition-based system get relief. It would take 86 years to clear all the eligible convictions under the current system, which is costly and difficult for impacted individuals to navigate. Clean Slate will provide full record clearance to 410,000 adults, or 41% of those with records in the state.

Based on data from the Division of Parole and Probation (DPP), applying the 2022 rate of 43% of the population under supervision who did not successfully complete the terms of their supervision to the estimated impact of HB 658, around 176,300 individuals would be excluded from relief if successful completion were an eligibility requirement.



Research indicates that technical probation violations (e.g., missing an appointment or failing to pay fees) are far more common than new offenses and contribute to high rates of incarceration among those on supervision.

Twelve states have enacted Clean Slate laws, including neighboring states Delaware, Virginia, and Pennsylvania, and the positive impact on individuals and communities has been substantial. The implementation of similar legislation in Maryland has the potential to significantly bolster public safety and stimulate economic growth.

Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions is \$1.5 billion of taxable income, and this estimate does not include income loss for those with non-conviction records.

In addition, Clean Slate can reduce racial disparities in Maryland. Black adults have higher conviction rates than white adults, and if all eligible conviction records were cleared as a result of Clean Slate, this disparity would shrink by one-third.

The Clean Slate Initiative applauds the proposed creation of a state-initiated process to expunge records of arrests and convictions. By implementing a process that operates at no cost to the record holder, Maryland can lead in the pursuit of fairness and justice.

The proposed timeline, starting from January 1, 2027, to begin implementation of the law is pragmatic and aligns with the implementation timelines of other states working toward and that have begun automatic record clearing. This timeline allows for the necessary adjustments in administrative processes and ensures a smooth transition to a more equitable system.

In summary, The Clean Slate Initiative urges the Judicial Proceedings Committee to support SB 602, recognizing the positive impact on the lives of individuals seeking redemption and reintegration into society.

Thank you for your time and consideration. I am available to answer any questions or provide additional information as needed.

Sincerely,

Laura Chavez

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Attachments:

- CSI Maryland Fact Sheet
- CSI Data Methodology Overview
- The Impact of Clean Slate in Maryland

CLEAN SLATE IN MARYLAND

WHAT ARE CLEAN SLATE POLICIES?

Clean Slate policies allow individuals to have certain arrest or conviction records automatically cleared. These policies offer people who have completed their sentences and remained crime-free the chance to move forward in their lives without the burden of a record.

Clean Slate policies involve automated or streamlined processes for identifying and clearing eligible records. The specific criteria and procedures may vary depending on the jurisdiction and the nature of the record.

Clean Slate policies primarily aim to tackle the enduring repercussions of a record, which often impede individuals from obtaining employment, finding suitable housing, accessing educational opportunities, and rebuilding their lives. **Through record clearance, people are offered a fresh start and face fewer barriers to opportunity due to their past.**

CLEAN SLATE MARYLAND COALITION MEMBERS

The coalition is growing in Maryland and we are excited to work with business leaders, faith leaders, directly impacted people, lawmakers, and Governor Moore to pass legislation.

This factsheet is prepared by:

CLEAN SLATE'S IMPACT IN MARYLAND

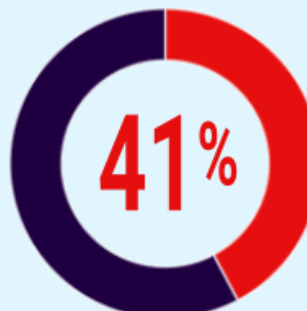
The Clean Slate Initiative analyzes legal system data at the state level, creating impact statements based on each state's proposed Clean Slate legislation. **Here are the Clean Slate impacts for Maryland:**

1 Million Adults in Maryland Have a Record



22% of MD's Total Adult Population has a Record

410,000 Adults with a Record in Maryland Could Have Their Record Fully Cleared



CSI'S DATA METHODOLOGY

The Clean Slate Initiative (CSI) data dashboard methodology builds upon the approach used by [Shannon et al.](#) and the [Brennan Center for Justice](#). We apply conviction rates, recidivism rates, deportation rates, mortality/survival rates, and inter-state mobility rates to estimate how many unique people are impacted by a record (vs. the number of cases or arrests reported). See below for citations.

How We Calculated the Number of People with a Record by State*

**Sample data, not actual data, is represented below.*

Year	State	Population Group	Total Arrests Reported to FBI UCR Program for Likely Misdemeanor Offenses (Adjusted for Under-Reporting Agencies)	Conviction Rate (Measures for Justice, US Dept. of Labor Statistics)	Recidivism Rate (Measures for Justice, US Dept. of Labor Statistics)	Mortality Rate (CDC Data)	Inter-State Mobility (US Census Data)	Deportations (ICE/Syracuse University TRAC Data excluding People Previously Deployed)	Estimated Population with a Record
2017	California	Latino	200,000	70%	37%	1%	+3%	-30,000	59,937
2018	California	Latino	300,000	71%	30%	0%	+1%	-20,000	130,591
2019	California	Latino	400,000	72%	19%	0%	+2%	-10,000	227,946
Total									418,475

Where We Got Our Information



Bureau of Justice Statistics



	Felony Convictions	Misdemeanor Convictions	Non-Convictions
Type of Data Used	State prison releases, felony probation admissions, and prison/probation recidivism rates published by the federal government	Arrests reported by local and state law enforcement agencies to the federal government, applying misdemeanor conviction and recidivism rates published by Measures for Justice and the Bureau of Labor Statistics	Felony and misdemeanor conviction rates published by Measures for Justice and the National Center for State Courts
Agencies/Entities Data was Sourced From	U.S. Bureau of Justice Statistics	U.S. Federal Bureau of Investigation, U.S. Bureau of Labor Statistics, State Arrests and Criminal History Data, and Measures for Justice	Measures for Justice and National Center for State Courts
Datasets Used to Produce CSI Estimates	<p>BJS National Corrections Reporting Program 1991-2019</p> <p>BJS National Prisoner Statistics Program 1978-1990</p> <p>BJS Annual Survey of Probation 1985-2018</p>	<p>FBI Uniform Crime Reporting Program 1995-2019</p> <p>Measures for Justice State-Level Misdemeanor Conviction and Recidivism Rates</p> <p>National Misdemeanor Conviction and Recidivism Rates, and Total Cases/Convictions per Person Estimated from the National Longitudinal Survey of Youth 2019</p> <p>Official arrests/criminal history data from TX, FL, IL and NYC</p>	<p>Measures for Justice State-Level Felony and Misdemeanor Conviction Rates</p> <p>National Center for State Courts Nationwide Felony and Misdemeanor Conviction Rates</p>

Resources

Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The growth, scope, and spatial distribution of people with felony records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818.

Craigie, T.A., Grawert, A., & Kimble, C. (2020). Conviction, imprisonment, and lost earnings: How involvement with the criminal justice system deepens inequality. Brennan Center for Justice at New York University.

Impacts of Clean Slate in Maryland

Today, only **2%** of people with convictions eligible for clearance under the existing petition-based system get relief. It would take **86 years** to clear all the eligible convictions under the current system.¹

This means that around **300,000** people in Maryland have conviction records eligible for clearance today and are not getting the relief.¹

Clean Slate will automate the record-clearing process and provide full record clearance to **410,000** people with conviction and non-conviction records, clearing the backlog and providing additional people with opportunities.²

Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions is **\$1.5 billion** of taxable income, and this estimate doesn't include the income loss for those with non-conviction records.¹

Black adults have a higher rate of convictions than white adults³, and if all eligible conviction records were cleared as a result of Clean Slate, this disparity would shrink by one third.¹

¹ Source: Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "[The Maryland Second Chance Expungement Gap](#)", Paper Prisons Initiative. Note: estimates are based on a 5% sample of individuals with criminal histories between 2000-2020 drawn from Maryland Electronic Courts (MDEC) as well as district and circuit courts.

² Source: The Clean Slate Initiative data model. See: [Methodology Overview](#). Note: impact estimates take into account legislative parameters. Estimates of the populations with conviction and non-conviction records are through 2019.

³ The Clean Slate Initiative estimates that around 27% of Black adults and 22% of white adults have a conviction or non-conviction record in Maryland, using the methodology described above.