



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

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Chairman Luke Clippinger,
101 House Office Building
Annapolis, Maryland 21401

Dear Chairman Clippinger and Members of the Judiciary Committee:

The Legislative Black Caucus of Maryland offers strong favorable support for House Bill 550 - Criminal Procedure - Partial Expungement supports, a bill that aims to repeal the “Unit Rule,” which has stood as a permanent roadblock to criminal record expungement. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment, housing, education, and licensing prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.33). 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. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, leaving African-African Marylanders disproportionately impacted by lack of access to education, housing, and employment due to a criminal record. This is a long-standing impact of the War on Drugs from the 1980s, where African-American Men were sent to state prison at 13x the rate of white men, leaving our communities crippled by the second-class citizenship that emerges from having a criminal record. Today, [one out of three](#) Marylanders returning from incarceration return to Baltimore City, with Prince George’s County as a close second. Combined, these two jurisdictions make up over half of the black population in Maryland (56%) - so when returning citizens are denied jobs, housing, and other necessities, these communities are hit hardest. The Black Caucus remains at the forefront in supporting pathways to re-entry for public safety, family unity, opportunity, and access to generational wealth. Increasing access to criminal record expungements is vital for our communities and undergirds our support for this bill.

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.

In predominantly lower-income Black Communities, prosecutors use the common tactic of overcharging individuals to move a defendant into negotiating a plea deal. Often in that plea deal, a defendant will accept a guilty verdict of a

lesser charge to avoid a trial and a potentially lengthy incarceration. By accepting the plea deal, the guilty charge(s) will stick, and the not guilty charge(s) will remain on the record as part of a “unit,” making them ineligible for expungement until all of the guilty charges are eligible for expungement. If those guilty charges are not eligible for expungement, then none of the not-guilty charges will ever be eligible for expungement. Thus, the not guilty charges from the overcharging remain visible via a routine background check and will be held against the individual when trying to secure employment, higher education, housing, or licensing.

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. This body fully supports efforts to remove barriers to employment, education, housing, and more for African Americans saddled with arrests and overcharging. For these reasons, the Legislative Black Caucus of Maryland supports House Bill 550 and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland