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Automated Expungement Can Get Marylanders Back on Their Feet Quicker

Position Statement in Support of Senate Bill 602

Given before the Judicial Proceedings Committee

Marylanders should not be defined by their past and the records that follow them, preventing them from restarting their life. After completing a sentence, the charges on an individual's record have long-lasting impacts on their ability to attain good education, job employment opportunities, housing options, and being able to give back to their community.

In Maryland, these records can last for decades depending on the charges, leaving no room for true redemption and making it harder for formerly incarcerated people to contribute to society. Anyone who has paid their debt to society and demonstrates wanting to make a better life for themselves and their families should have the chance to do so. Because Black Marylanders are disproportionately represented in our prison system, the effect of legal involvement leaves many Black people outside the places and spaces for opportunity, precisely due to their record.

While last year the legislature passed Senate Bill 37, the REDEEM Act, which halves the wait time needed to qualify and apply for expungement for certain convictions, Senate Bill 602 creates a more equitable and efficient process by allowing for automated expungements of eligible charges, some of which were covered in the REDEEM Act. Automatic expungement eliminates the need for Marylanders to obtain legal assistance and petition the court to exercise their right to have their records expunged, and also reduces administrative costs.

The negative impacts of a criminal record cost the state in terms of aggregate annual earnings lost. According to a study by the The Paper Prisons Initiative, approximately 61% of those who live burdened with criminal convictions in Maryland would potentially receive relief under the Clean Slate Act immediately, with others besides those with ineligible charges, eventually becoming eligible with the passage of time. But only 2% of those with convictions currently eligible for relief under petition-based expungement have actually received the remedy. By their estimates, the aggregate earnings loss associated with the estimated 290,000 people with convictions who would be Clean Slate eligible, due to lost wage and earnings opportunities translate to a cumulative annual earnings loss of about \$1.5 billion.¹ This bill will not only help Marylanders who have served their time get back on their feet quicker, it will add thousands of people back into the labor market, which will benefit Maryland's workforce.

In addition, this bill would require the Department of Public Safety and Correctional Services to report on the progress and outcomes of the automated expungement process biannually, which would give detailed data into how to better optimize clean slate expungements.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Judicial Proceedings Committee make a favorable report on Senate Bill 602.

Equity Impact Analysis: Senate Bill 602

Bill summary

Senate Bill 602 would establish procedures for the automated expungement of certain clean slate eligible charges and require the Department of Public Safety and Correctional Services to submit a report semiannually detailing the progress and outcomes of the automated expungement process during the preceding 6 months.

Background

According to the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS), there were 73,000 orders for expungement in Maryland in 2019ⁱⁱ.

There is no demographic data available on the racial and ethnic composition of applicants. However, if trends for incarceration in the State were to mimic trends for expungement applications, there would be both a significant number and percentage of Black or African American individuals who would be eligible to seek expungement, and a certain amount would be eligible for automatic expungement.

Equity Implications

Data suggests that Black or African American individuals convicted of the crimes covered under the bill may benefit the most as evidenced by their general overrepresentation in the incarcerated population of the State.

- While Black people make up 30% of Maryland's population, they account for 70% of Maryland's incarcerated.
- A 2016 report conducted by GOCPYVS details the collateral consequences to having a criminal record. These adverse effects include reduced access to housing, public services, voting, holding public office, employment opportunities, and professional licensure. These difficulties in turn can increase recidivism and could perpetuate a larger cycle of involvement in the carceral system.

Racial disparities are significant in the Maryland population of people with a criminal record, with an estimated 7% of white Maryland residents, but 14% of Black Maryland residents having a conviction recordⁱⁱⁱ. *Impact*

Senate Bill 602 would **likely** improve racial and economic equity in Maryland.

ⁱ <https://www.paperprisons.org/states/pdfs/summaries/The%20Maryland%20Second%20Chance%20Expungement%20Gap%20Report%20Summary.pdf>

ⁱⁱ <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2023RS-SB0037-REIN.pdf>

ⁱⁱⁱ <https://www.paperprisons.org/states/pdfs/reports/The%20Maryland%20Second%20Chance%20Expungement%20Gap.pdf>