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Director of Research and Data  
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Senate Judicial Proceedings Committee

Wednesday, February 5, 2025

**Testimony in Support of SB 398 (Criminal Procedure-Automated Expungement)**

To Chairman William C. Smith, Jr. 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-sealing process and ensure that everyone who meets the requirements has eligible records sealed through an automated process. I am writing on behalf of The Clean Slate Initiative to express our strong support for Senate Bill 398, 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.<sup>1</sup> Arrest and conviction records often 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 sealed through an automated process, giving them a fresh start.

In Maryland, only 2% of people with convictions eligible for sealing under the current petition-based system get relief. Under the current system, which is costly and difficult for an average person to navigate, it would take 86 years to seal all the eligible convictions.<sup>2</sup> **On day 1 of implementation, Clean Slate will provide full record clearance to 407,000 adults, or 40% of those with records in the state.**<sup>3</sup>

<sup>1</sup> The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: [cleanslateinitiative.org/data-dashboard](https://cleanslateinitiative.org/data-dashboard).

<sup>2</sup> Chien, Colleen, Alyssa Aguilar, Navid Shaghagh, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "The Maryland Second Chance Expungement Gap", Paper Prisons Initiative.

<sup>3</sup> The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: [cleanslateinitiative.org/data-dashboard](https://cleanslateinitiative.org/data-dashboard).

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. Implementing 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 convictions eligible for record sealing in Maryland is \$1.5 billion of taxable income, and this estimate does not include income loss for those with non-conviction or arrest records.<sup>4</sup>

In addition, Clean Slate can reduce racial disparities in Maryland. Black adults have higher conviction rates than white adults, and Clean Slate legislation would shrink this disparity by one-third.<sup>5</sup>

A recent survey of people with records in Pennsylvania, Utah, and Michigan which started implementing automatic record sealing in 2019, 2020, and 2023, respectively, indicates that those who have received relief are already experiencing improvements in their lives, particularly in employment. Nearly half (42%) reported improvement in work, employment, personal finances, or public assistance, 35% reported improvement in personal and family relationships, and 34% reported improvement in health, mental health, or self-esteem.<sup>6</sup>

The Clean Slate Initiative applauds the proposed creation of a state-initiated process to electronically expunge eligible arrests and conviction records. Maryland can lead in the pursuit of fairness and justice by implementing a process that operates at no cost to the record holder. If it does, those eligible for automated record sealing in the state can reap the proven benefits, particularly in terms of employment, which will add to the state's tax base.

The proposed timeline for implementing the law, starting on July 1, 2027, is pragmatic and aligns with the implementation timelines of other states working toward and

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<sup>4</sup> Chien, Colleen, Alyssa Aguilar, Navid Shaghaghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "The Maryland Second Chance Expungement Gap", Paper Prisons Initiative.

<sup>5</sup> Ibid.

<sup>6</sup> The Clean Slate Initiative (2024). "The Impacts of Clean Slate Laws in Pennsylvania, Utah, and Michigan." Available at: <https://www.cleanslateinitiative.org/2024-yougov-survey-report>

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 398, recognizing the positive impact on the lives of individuals seeking redemption and reintegration into society.

Thank you for your time and consideration.

Sincerely,

Laura Chavez

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**Attachments:**

- CSI Maryland Fact Sheet
- CSI Data Methodology Overview
- The Impact of Clean Slate in Maryland
- Research Brief: Automatic Record Clearance Removes Barriers and Delivers Improvements for People with Records

# 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



MARYLAND ALLIANCE FOR JUSTICE REFORM  
Working to end unnecessary incarceration and build strong, safe communities



## 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

**407,000** Adults with a Record in Maryland Could Have Their Record Fully Cleared



40% of Adults with a Record in MD Could be Eligible to Have Their Record Fully Cleared

This factsheet is prepared by:



# 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 deported)	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

See “Where we got our information” section on the next page.

## Where We Got Our Information



Bureau of Justice Statistics



	Felony Convictions	Misdemeanor Convictions	Non-Convictions
<b>Type of Data Used</b>	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
<b>Agencies/Entities Data was Sourced From</b>	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
<b>Datasets Used to Produce CSI Estimates</b>	<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.<sup>1</sup>

This means that around **300,000** people in Maryland have conviction records eligible for clearance today and are not getting the relief.<sup>7</sup>

Clean Slate will automate the record-clearing process and provide full record clearance to **407,000** people with conviction and non-conviction records, clearing the backlog and providing additional people with opportunities.<sup>8</sup>

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.<sup>1</sup>

Black adults have a higher rate of convictions than white adults<sup>9</sup>, and if all eligible conviction records were cleared as a result of Clean Slate, this disparity would shrink by one third.<sup>1</sup>

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<sup>7</sup> Source: Chien, Colleen, Alyssa Aguilar, Navid Shaghaghi, 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.

<sup>8</sup> 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.

<sup>9</sup> 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.



# AUTOMATIC RECORD CLEARANCE REMOVES BARRIERS AND DELIVERS IMPROVEMENTS FOR PEOPLE WITH RECORDS

*A Clean Slate Research Brief by [Dr. Laura Chavez](#)*

People with records face substantial barriers that limit their participation in society, particularly in employment, housing, and education. Clean Slate laws address these challenges by automatically sealing eligible records for individuals who have completed their sentences and remained crime-free. Thus, the burden of clearance shifts from individuals to the state, eliminating the burden of navigating a complex, costly, and often inaccessible petition-based system.

This research brief draws on a recent [survey of 800 people with arrest and conviction records in Pennsylvania, Utah, and Michigan](#). The survey was developed by CSI in collaboration with Dr. Nyron Crawford, Associate Professor of Political Science at Temple University, and administered by YouGov. Here we highlight the economic, social, and psychological impacts of Clean Slate laws as revealed by the survey data.

**Just a few years after passage, Clean Slate legislation is already benefiting people in Pennsylvania, Michigan, and Utah**

Clean Slate laws have been passed in 12 states to date, including Pennsylvania in 2018, Utah in 2019, and Michigan in 2020. By 2024, 15 million people became eligible for full or partial record clearance across the 12 Clean Slate states,<sup>1</sup> and over 2 million are eligible for full or partial relief in Pennsylvania, Utah, and Michigan, which started clearing records automatically in 2019,

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<sup>1</sup> See The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: [cleanslateinitiative.org/data](https://cleanslateinitiative.org/data)



## There are a lot of reasons why people don't seek record relief.

- “Because it cost[s] a lot of money in my state last I checked.”
- “Financially, I could not afford a lawyer to get it done.”
- “Too complicated, costly, unsure of the routes to take.”
- “At first I wasn't aware that I could. After that it was because I didn't know anything about the process, how to get started, or if I would even be eligible to do so.”

This data is from a survey of people with records in MI, PA, and UT. More info: [cleanslateinitiative.org/2024-yougov](https://cleanslateinitiative.org/2024-yougov)

2020, and 2023, respectively. Many of these records are over 10 years old,<sup>2</sup> so very real questions existed among lawmakers, advocates, and directly impacted people as to whether the clearance of decades-old records would deliver tangible benefits.

**The survey data clearly indicate that those eligible for automatic record clearance are already experiencing real improvements in their lives.** Unlike petition-based systems, where individuals must

navigate complex legal procedures, pay fees, and often require legal assistance to clear their records, Clean Slate laws remove these barriers by automating the process. This is particularly significant because studies show that only a small fraction of those eligible ever file petitions for records clearance.<sup>3</sup> The reasons are clear: the petition-based process is often prohibitively difficult, expensive, and inaccessible for many, especially those already burdened by the economic and social consequences of having a record.

**By shifting the burden to the state, Clean Slate laws ensure that relief reaches all eligible individuals, including those who may not even know they qualify.** This automatic process eliminates the need for legal intervention, democratizing access to record clearance and delivering benefits to people who would otherwise remain trapped by their past. The data show

<sup>2</sup> In Pennsylvania, the passage of “Clean Slate 3.0” expanded eligibility for automatic sealing in 2024 to include some non-violent felony convictions, which can become eligible for sealing after 10 years, and many misdemeanor convictions may be sealed after 7 years. Summary convictions can be sealed after 5 years (see: [www.mycleanslatepa.com](https://www.mycleanslatepa.com)). In Michigan, some felony convictions are eligible for automatic set aside after 10 years, and many misdemeanor convictions are eligible after 7 years (see: <https://www.michigan.gov/msp/services/chr/conviction-set-aside-public-information/michigan-clean-slate>). And, in Utah, misdemeanor convictions are eligible for automatic expungement after 5 to 7 years (see: [www.cleanslateutah.org](https://www.cleanslateutah.org)).

<sup>3</sup> See: Chien, Colleen. “America’s paper prisons: The second chance gap.” *Michigan Law Review* (2020): 519-611. See also: Prescott, J.J. and S. Starr. (2020). Expungement of Criminal Convictions: An Empirical Study. *Harvard Law Review*. 133(8): 2460-555.



that people with automatically cleared records report improvements in employment opportunities, family relationships, and mental health, showing that Clean Slate's systemic approach can be more effective at providing relief and helping people rebuild their lives than the traditional petition-based system.

In this survey of people with records, nearly half (46%) of those who had a criminal record sealed, expunged, or set aside had their record cleared *automatically*.

Respondents felt that they had benefited personally from record clearance and that they would continue to benefit in the future.

- Over one-third (38%) of those whose records were cleared automatically agreed that they had already benefited or would likely benefit from Clean Slate laws.
- 36% of Black people agreed they know someone who has already benefited or will likely benefit in the future.

## People who know their records have been cleared automatically report improvements, especially in employment, family relationships, and mental health

Research demonstrates that when people's records are cleared through a petition-based process, their earnings increase by over 22% in the first year.<sup>4</sup> Yet even with this research, the question remained as to whether this same benefit is realized by people who don't have to take action to clear their

<sup>4</sup> See: Prescott, J.J. and S. Starr. (2020). Expungement of Criminal Convictions: An Empirical Study. *Harvard Law Review*. 133(8): 2460-555.

## Clean Slate's Impact

People who **received automatic record relief report improvements**, particularly economic.

42%

42 percent report improvement in **work, employment, personal finances, or public assistance.**

35%

35 percent report improvement in **personal and family relationships.**

34%

34 percent report improvement in **health, mental health, or self-esteem.**

28%

28 percent report improvement in **community and political involvement.**

24%

24 percent report improvement in **housing.**

22%

22 percent report improvement in **education.**



This data is from a survey of people with records in MI, PA, and UT.  
More info: [cleanslateinitiative.space/2024-pollgov](https://cleanslateinitiative.space/2024-pollgov)

records. In addition, it has been unclear whether someone would even know if their record had been cleared when the process happens automatically by the government. Directly impacted respondents in three states that have recently passed and implemented Clean Slate laws, thus clearing millions of people's records automatically, report overwhelming improvements in a wide range of life factors.

## People with records face economic hardships due to their arrest or conviction.

53%

Over half of the sample (53 percent) report that it was **extremely or somewhat difficult in at least one area of their life** following their arrest or conviction.

39%

Over 1 in 3 (39 percent) report that it was **extremely or somewhat difficult to get a job, maintain employment, make a living, and pay rent or bills.**

31%

31 percent report **difficulties finding housing.**

25%

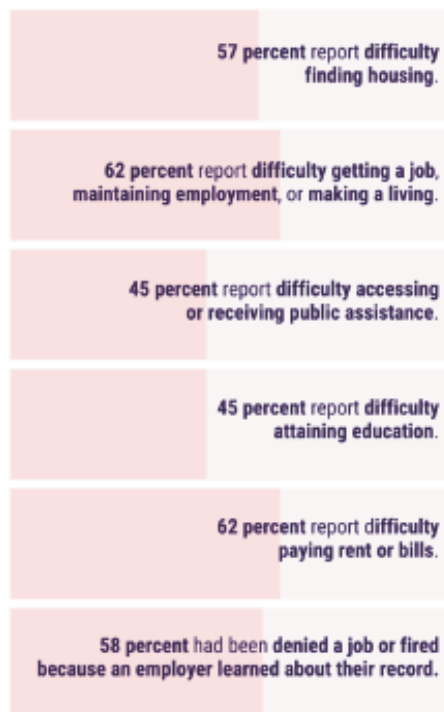
1 in 4 (25 percent) report **difficulties attaining education and accessing or receiving public assistance.**



This data is from a survey of people with records in MI, PA, and UT.  
More info: [cleanslateinitiative.space/2024-pollgov](https://cleanslateinitiative.space/2024-pollgov)

## People with felony convictions face the most barriers.

Over 3 out of 4 (77 percent) of respondents with felony convictions report that it was **extremely or somewhat difficult** in at least one of these areas following their record.



This data is from a survey of people with records in ME, PA, and UT. More info: [cleanslateinitiative.org/2024-report/](https://cleanslateinitiative.org/2024-report/)

## Even small improvements really matter when people with records face major barriers

There are over 42,000 laws and regulations that make having a record an ongoing burden. Over half of the people surveyed (53%) report that it was extremely or somewhat difficult in at least one area of their life following their arrest or conviction.

Barriers are even more significant for people with felony convictions. Among respondents with felony convictions, well over half (58%) had been denied a job or fired because their employer learned they had been arrested or convicted, and another 9% responded “maybe.”



## About The Clean Slate Initiative

The Clean Slate Initiative (CSI) passes and implements laws that automatically clear eligible records for people who have completed their sentence and remained crime-free and expands who is eligible for clearance.

CSI's vision is that people will no longer be defined by their records and will have the opportunity to contribute to their community, have a fair opportunity to work, get an education, and achieve their full potential.

## Acknowledgments

We would like to extend our sincere gratitude to the individuals who made this report possible.

Special thanks to members of our Board of Directors, Daryl Atkinson, Co-Director and Co-Founder of Forward Justice, and Mindy Tarlow, Senior Fellow and Research Professor at the New York University Marron Institute of Urban Management, for their support and guidance throughout the survey development process.

We are immensely grateful to Dr. Nyron Crawford, Associate Professor of Political Science at Temple University, for his invaluable assistance in creating the survey, analyzing the data, and providing critical insights throughout this project. We also acknowledge Dr. Laura Chavez for her dedication and hard work in leading this project.

Without the collective efforts of these individuals, this comprehensive analysis of the impacts and awareness of Clean Slate laws in Pennsylvania, Utah, and Michigan would not have been possible.