



## **TESTIMONY IN SUPPORT OF SENATE BILL 398**

### **Criminal Procedure - Automated Expungement**

TO: Hon. William C. Smith, Chair, and Members of the Senate Judicial Proceedings Committee

DATE: February 5th, 2025

FROM: Christopher Dews, Policy Consultant

Out for Justice, Inc. (OFJ) is an organization comprised of individuals directly and indirectly impacted by the criminal legal system. We advocate for reforming policies and practices that adversely affect successful reintegration into society. OFJ supports Senate Bill 398, which would automate the expungement process for eligible misdemeanors in Maryland.

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-American Marylanders disproportionately impacted by lack of access to education, housing, and employment due to a criminal record. [One out of three](#) Marylanders returning from incarceration returns to Baltimore City, where OFJ's member base is the strongest. Our district contains one of the highest concentrations of returning citizens in the state, making criminal record expungements a critical access point for re-entry.

The Maryland General Assembly has passed a variety of expungement access reforms, including 2016's [Justice Reinvestment Act](#), which allowed many misdemeanors and a few felonies to be eligible for expungement, and 2023's [REDEEM Act](#), which cut the criminal record expungement waiting periods in half. These bills, in combination, were incredibly beneficial for our members, allowing millions to access employment, housing, licensing, and more. However, [MVLS data show that only 2% of people with convictions eligible for expungement pursued an expungement](#). We estimate this is due to backlogs within the courts or the individual simply not knowing they are eligible. Our partners at the Office of the Public Defender, Maryland Legal Aid, Maryland Volunteer Lawyers Service, Baltimore Action Legal Team, and others have done exceptional work hosting expungement clinics to assist our members. Still, the automated process listed in Senate Bill 398 would save time and energy for all parties involved.



If this bill were to pass, over 400,000 Maryland adults could have their records cleared overnight. It does not alter the manual petition process listed in Criminal Procedure §10–110 or §10–105 but expands on the existing automated expungement process for cannabis in §10–112. OFJ fully supports efforts to remove barriers to employment, education, housing, and more for Marylanders with records. For these reasons, we respectfully urge a favorable report.