



Testimony from Adrian Rocha
Director of Policy
Last Prisoner Project

RE: Support for SB 432, Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

February 5, 2025

Dear Members of the Judicial Proceedings Committee,

A criminal record can create barriers to employment, housing, political participation, public assistance, education, and more.¹ According to a study conducted by the Center for Economic and Policy Research, the United States loses about \$78 to \$87 billion in annual gross domestic product (GDP) because of the consequences and barriers associated with having a criminal conviction.² Other factors are less quantifiable but no less impactful, like the potential disruption of an educational trajectory or the loss of specialized skills over time.

The potential benefit of expungement reform in terms of sheer numbers is notable. According to the U.S. Department of Justice, an estimated 70 to 100 million adults in the United States³ face nearly 45,000 separate collateral consequences⁴ that exist throughout federal and state laws and regulations, and further consequences may be imposed at the municipal and county levels.

At Last Prisoner Project (LPP), we have designed, advised, written, and helped implement nearly a dozen criminal record clearance laws nationwide. All too often, we have encountered record clearance laws whose various procedural hurdles are considered key features intentionally designed to be onerous for the petitioner under the guise of promoting public safety by limiting relief to those who have the time, resources, and ability to navigate the varying laws that determine eligibility. However, research demonstrates that record clearance does not create a risk to public safety.⁵ In fact, clearing records may support public safety by increasing access

¹ Catherine E. Lhamon et al., *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. COMM’N ON C.R. 2-3, June 2019, <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf>.

² Barber, Alan & Bucknor, Cherrie, *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*, The Center for Economic Policy and Research, <https://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>

³ Catherine E. Lhamon et al., *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. COMM’N ON C.R. 2-3, June 2019, <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf>.

⁴ National Inventory of Collateral Consequences of Conviction, <https://niccc.nationalreentryresourcecenter.org/consequences> Jan. 25, 2022.

⁵ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2467, June 2020, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3167&context=articles>.

to jobs, housing, and educational opportunities that promote community re-integration and stability.⁶ Empirical data from a recent study demonstrates that five years after receiving record clearance, individuals were less likely than members of the general public to engage in criminal conduct.⁷

SB 432, the Expungement Reform Act of 2025, seeks to make common-sense changes to the expungement procedure by relaxing bureaucratic barriers to obtaining criminal record relief, making it easier for more Marylanders to finally move on with their lives. For far too long, expungement laws and eligibility requirements have impeded the natural flow of justice for individuals who have already served a sentence. SB 432 will help create an expungement procedure that encourages second chances.

The Last Prisoner Project strongly urges the General Assembly to pass the Expungement Reform Act of 2025 (SB 432).

Additionally, we encourage the General Assembly to amend the law to allow individuals granted full and unconditional pardons to petition for an expungement immediately.⁸ By amending the law so that a pardon initiates an expungement on the recipient's behalf, nearly all criminal records pardoned under the Cannabis Pardon Order signed by Governor Moore would be immediately expungable.

About Last Prisoner Project

The Last Prisoner Project, a 501(c)(3) nonprofit organization, is a national, nonpartisan organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's policy experts work to redress the past and continuing harms of unjust cannabis laws.

⁶ *Id.* at 2468-70.

⁷ *Id.* at 2510-11.

⁸ Md. Criminal Procedure Code Ann. § 10-105(a)(8)(ii)