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Senate Judicial Proceedings Committee

Wednesday, February 5, 2025

Testimony in Support of SB 432 (Expungement Reform Act of 2025)

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 432, which would remove the current barrier disqualifying numerous probationers from expungement eligibility under the court case of *Abhishek*.

Based on 2022 data from the Division of Parole and Probation (DPP), approximately 43% of the population under supervision did not successfully complete all the terms of their supervision.¹ Applying that rate to the population of 1 million Marylanders with some form of record and considering that approximately 407,000 Marylanders would be eligible for full record relief under the related proposal of SB 398,² at least 175,000 individuals would be excluded from relief if total satisfactory completion is an eligibility requirement.

Research indicates that technical probation violations (e.g., missing an appointment or failing to pay fees) are far more common than new offenses.³ Maintaining a categorical

¹ <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-SB0454-REIN.pdf>

² 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.

³ Widra, Emily. (2024). "One Size Fits None: How 'Standard Conditions' of Probation Set People up to Fail." Prison Policy Initiative. Available at: https://www.prisonpolicy.org/reports/probation_conditions.html



bar to expungement for these infractions undermines the Maryland General Assembly's intent in making the underlying offense eligible for record clearance.

For these reasons, The Clean Slate Initiative recently joined the University of Baltimore School of Law, Center for Criminal Justice Reform, in advocating for the *Abhishek* case to be overturned in the courts through an *amicus* brief. Likewise, *Abhishek* reform was included in last year's Clean Slate proposal. This year, we applaud the Governor and the Senate bill sponsors for introducing this stand-alone measure to address the devastating impact of *Abhishek* on expungement eligibility in the State of Maryland and to make clear the General Assembly's intent when it first enacted the expungement statute.

The consequences of having a record extend beyond the individual to their families and communities. Parents with records face barriers to participating in their children's education and activities, further perpetuating cycles of disadvantage. They often aren't allowed to volunteer in their children's classrooms or chaperone a school field trip. Automatic record sealing can give parents who meet the requirements a second chance to fully show up for their children.

Furthermore, the broader societal and economic impacts of excluding individuals with records from the economy are profound. The U.S. economy loses an estimated \$78-87 billion annually due to reduced workforce participation by individuals with records.⁴ Research also shows that when people have stable jobs that pay a livable wage, they are much less likely to engage in illegal behavior.⁵

Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions 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.⁶ By addressing this categorical barrier to expungement, Maryland can reap the proven benefits of record sealing, particularly in terms of employment, which will add to the state's tax base.

⁴ Bucknor, Cherrie and Alan Barber. "The price we pay: Economic costs of barriers to employment for former prisoners and people convicted of felonies." *Center for Economic and Policy Research*. (June, 2016).

⁵ See LaBriola, Joe. "Post-prison employment quality and future criminal justice contact." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6, no. 1 (2020): 154-172

⁶ Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "The Maryland Second Chance Expungement Gap", Paper Prisons Initiative.

In summary, The Clean Slate Initiative urges the Judicial Proceedings Committee to support SB 432, recognizing the positive impact it will have 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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