



JUSTICE FOR ALL

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE IN SUPPORT OF SB
432: CRIMINAL RECORDS – EXPUNGEMENT AND MARYLAND JUDICIARY CASE
SEARCH (EXPUNGEMENT REFORM ACT OF 2025)
FEBRUARY 5, 2025

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Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 432.

My name is Chris Sweeney and I am the managing attorney for the Workforce Development Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 870 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In the most recent fiscal year, MVLS volunteers and staff lawyers provided legal services directly impacting 6,135 people across the State. I am speaking today to urge the Judiciary Proceedings Committee to issue a favorable report on Senate Bill 432.

SB432 proposes to close a critical gap in the state's criminal record expungement process exposed by a 2022 Court of Appeals case – *in re Abhishek I*. The appellate decision severely limits expungement eligibility for those who did not successfully complete probation. This bill clarifies the language interpreted in the *Abhishek* case to ensure that people who make mistakes while on probation are not permanently barred from seeking expungement.

Expungement is an indispensable step in addressing the harmful collateral consequences of criminal legal system involvement. It allows a person who has made mistakes years in the past to start fresh so that they can move forward in life. MVLS clients frequently report being denied employment, rental housing, and other opportunities during the waiting period for expungement eligibility. These denials make it harder for individuals already experiencing difficult circumstances to achieve stability.

SB432 makes a small, technical change to statutory language on the wait time for expungement eligibility, clarifying that it begins upon the "completion," rather than "satisfaction," of the sentence. This distinction would ensure that people whose cases are closed, with their sentences fully completed, and who have waited the number of years required by the expungement statute are no longer prevented from receiving an expungement because their probation was not marked by a probation officer as "satisfied."

This 2022 Appellate Court ruling has greatly impacted individuals who were initially sentenced to probation but were found to have violated the probation and sentenced to some alternate penalty as a result. Based on this decision, such individuals may have completed the subsequent sentence, but do not technically “satisfy” their initial sentence of probation. This means that even someone who commits a technical violation, such as missing a probation meeting, can have a permanent criminal record for the most minor offenses, simply because they slipped up during probation.

If the Appellate Court’s decision is not overridden, Maryland’s expungement laws will contain an unjust and irrational contradiction: A person can be convicted of an unlimited number of eligible offenses under our current law, and can always seek expungement so long as they go the required number of years without a new conviction, but a person who receives probation for one charge in their lifetime is permanently denied the remedy of expungement if they violate that probation, even if the violation was not based on the commission of a new crime.

Ms. Davis* is one of many MVLS clients impacted by this interpretation of the law. Ms. Davis, who worked with an MVLS attorney to expunge criminal records from the 1990s, had been unable to expunge a past conviction that is otherwise eligible for expungement due to past violations of probation while she was grappling with substance use. Her probation officer’s closing of her case with an “unsatisfactory” designation – nearly 20 years ago, despite her completion of her sentence and probation - makes her currently unable to expunge a record under the law, impacting her ability to apply for and access needed senior housing programs in Maryland.

SB432 clarifies that individuals like Ms. Davis will be able to petition for expungement of eligible convictions after they have completed their sentence and the appropriate time has passed. The bill contains a provision allowing the Court to consider the nature of the probation violation if the reasons for violation were in fact egregious. Additionally, the bill adds a few misdemeanor convictions to the list of eligible offenses. These common nonviolent charges often stand in the way of our clients achieving completely clean records to help them find stability in life.

This bill, if passed, will ensure that Maryland’s expungement process is able to achieve its purpose of ameliorating the harm of a criminal record and allowing our fellow citizens to move forward without barriers to housing, employment, and education opportunities.

For all the reasons stated above, Maryland Volunteer Lawyers Service supports SB432 and respectfully encourages a favorable report.

**MVLS client’s name changed to protect privacy.*