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COMMUNITY LEGAL SERVICES

ACCESS TO JUSTICE FOR ALL

SB0398

Criminal Procedure – Automated Expungement

Judicial Proceedings Committee Hearing

February 5, 2025

Position: FAVORABLE

To the Honorable Members of the Judicial Proceedings Committee:

Community Legal Services (CLS) is a nonprofit legal services provider dedicated to ensuring equitable access to justice and due process of law for Maryland’s most under-represented populations. We strive to provide high quality legal representation and counsel that supports and strengthens the economic, social, health, and housing stability of our clients. We strongly support passage of SB0398.

CLS attorneys and volunteers have conducted hundreds of expungements in the past 18 months as part of the state’s efforts to expand the expungement of cannabis-related offenses that were no longer crimes. We have handled more than 700 expungement matters through more than a dozen clinics since 2023 when the law changed. We have 30 volunteers who are trained in expungement law and procedure, and many of them have participated in our events. We have seen many, many positive impacts for the clients we have helped. However, we know there are thousands more Marylanders with charges that can be expunged. By automatically expunging eligible records for people who have completed their sentence and remained crime-free, this bill would help the Marylanders who don’t make their way to our clinics or to other legal services providers who could help them.

Under SB0398, the Department of Public Safety and Correctional Services and the Judiciary would be required to identify and automatically expunge records of non-convictions and arrests after three years, as well as eligible misdemeanor convictions after seven years. This automatic process would be ongoing, ensuring continued record relief for eligible individuals.

Why This Legislation Matters:

- Evidence-Based Policy:** Research shows that individuals who remain crime-free for five to seven years are no more likely to reoffend than those without a record. This supports SB0398 as a sensible, data-driven approach to criminal justice reform.

- 2. Reducing Barriers to Opportunity:** An estimated 22% of Maryland’s adult population has a criminal record. These records create significant barriers to employment, housing, and education. More than 40,000 state and federal restrictions limit opportunities for people with records, leading to negative economic and social outcomes not just for the individuals, but for the entire State.
- 3. Addressing Underutilization of Existing Expungement Laws:** While 40% of individuals with criminal records in Maryland are currently eligible for petition-based record sealing, less than 2% have successfully obtained relief due to the complexity of the process and lack of awareness. Automating the process ensures that all eligible individuals benefit.
- 4. Proven Success in Other States:** Since 2018, 12 other states have enacted automated record-sealing laws, leading to significant improvements in employment, housing, education, and overall well-being. Data from Michigan, Pennsylvania, and Utah show that 42% of individuals receiving expungements experience job-related improvements, while 35% report better personal and family relationships.

By implementing SB0398, Maryland can join other states in providing a second chance to individuals who have paid their debt to society and remained law-abiding. This bill will not only improve lives but also strengthen Maryland families, communities, and the overall economy.

For these reasons, we respectfully urge the committee to issue a favorable report on SB0398.

Please feel free to reach out to Jessica Quincosa, Executive Director, or Lisa Sarro, Director of Litigation & Advocacy, with any questions at quincosa@clspgc.org, and sarro@clspgc.org, respectively.