



*Advocating better skills, jobs, and incomes*

## Testimony in Support of Senate Bill 398

### Criminal Procedure - Automated Expungement

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

FROM: Job Opportunities Task Force

DATE: February 5, 2025

POSITION: Favorable

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that develops and advocates policies and programs to increase the skills, job opportunities, and incomes of low-wage workers and job seekers in Maryland. **JOTF supports Senate Bill 398, which would expunge most misdemeanor convictions after three years and do so automatically through the Department of Public safety and Correctional Services and the Judiciary.**

The number of Americans with a criminal history is on the rise. More than one-third of the adult working-age population has a criminal record. According to the National Employment Law Project, 1 in 3 Americans (70 million) have an arrest record that will appear in a routine criminal background check in hiring. Nearly 1.5 million Marylanders struggle to secure employment with a criminal record. This challenge falls disproportionately on black and brown communities, the poor, and the homeless. Criminal records can serve as both the cause and consequence of poverty. Workers and job seekers with a criminal background apply for jobs for which they are well qualified, but are not considered due to criminal records. Technological advances have made access to criminal background information easier, which creates often insurmountable barriers to obtaining employment, housing, education, and other critical resources. It is well established that black men and women are more likely to be arrested and convicted than white men and women; and will be more likely than their white counterparts to have a criminal record. The impact of a criminal record is exacerbated among Black workers, who already experience racial discrimination in the labor market. Studies have found that even black job seekers without a criminal record are less likely to receive a job call back for an interview than white job seekers with a criminal record.

In an era of rising child care costs, ballooning health care costs, the ever increasing housing and rental markets, and prohibitively expensive costs of higher education, having a well-paying job is a necessity. The days where financial freedom was accessible to a significant portion of Marylanders is long gone, and the percentage of Marylanders who can hope for even short term financial security is dwindling. Taking away the ability of Marylanders to access gainful employment will exacerbate every single issue that Maryland is struggling with, especially homelessness and public safety. When Marylanders cannot support themselves the only outcome is the deterioration of its people and the state as a whole. This is not a potential outcome; this is an inevitability.

In the past, the criminal justice system could be distilled to one phrase “You do the crime, you do the time.” The time was limited based on the nature of the offense. Once a person completed their sentence and paid their debt to society, they were freed. There is no completing the sentence now. In 2024, anyone can access anyone’s criminal records in a smartphone within seconds. Easily accessible criminal records mean that for impoverished individuals, once they finish their time in incarceration, their true sentence is only just beginning. And for thousands of Marylanders, that sentence is a lifetime of hardship and struggle

# JOTF JOB OPPORTUNITIES TASK FORCE

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which can be traced back to an inability to support themselves.

There is no reason to needlessly increase the burden of these Marylanders. Having just the inexpungible offenses on Marylanders' records is more than enough to ensure they face the consequences for their choices. Preventing eligible offenses from being expunged as well is needlessly cruel. It provides a negligible amount of increased accountability while being a significant hindrance for individuals to actually turn their lives around and refrain from the same actions that led to their incarceration in the first place. This helps no one, but hurts everyone.

**For these reasons, JOTF supports Senate Bill 398 and urges a favorable report.**

**For more information, contact:**

Kam Bridges / Senior Public Policy Advocate / [Kam@jotf.org](mailto:Kam@jotf.org)