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Maryland General Assembly
Senate Judiciary Committee

Written Testimony in support of Senate Bill 398

An Act Concerning Automatic Expungement of Criminal Records

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My name is Akua Amaning and I am the Director for Criminal Justice Reform at the Center for American Progress. It is my pleasure to submit written testimony in support of Senate Bill 398, a measure that would allow for automatic expungement of certain conviction records and would open doors to opportunity for hundreds of thousands of Maryland residents currently held back by conviction records. I urge the legislature to pass this important measure.

Today, roughly [1.3 million Marylanders](#) carry a conviction record. [No record is too old or too inconsequential](#) to serve as a barrier to employment, housing, education, public assistance, family reunification and the ability to build good credit. For too many justice-involved people, a record can leave them with lifelong restrictive barriers which preclude them from accessing resources needed to promote stable futures for themselves and their families.

Every constituent of Maryland should have a fair opportunity to earn a living, support their family and contribute to their community. While felony convictions carry perhaps the greatest stigma, any criminal record can present insurmountable hurdles to gainful employment. Nearly [9 in 10 employers](#) use background checks to make hiring decisions, which often can mean the difference between a job offer and a rejection. As a result, the unemployment rate among

formerly incarcerated people is over [27 percent](#) – higher than the U.S. unemployment rate during the Great Depression.

Safe and stable housing can also be out of reach for individuals with criminal records, with an estimated [4 in 5 landlords](#) conducting background checks on prospective renters. Formerly incarcerated people are [10 times more likely](#) to experience homelessness than the general population.

These barriers to opportunity can have ripple effects for generations. According to analysis by the Center for American Progress, [nearly half of all American children](#) have at least one parent with a criminal record. When parents are shut out of the labor and housing markets, it can significantly undermine family stability and economic security. A child's long-term outcomes are closely tied to childhood circumstances, and thus the barriers associated with parental criminal records can prevent kids from realizing their full potential into adulthood.

People deserve a second chance and a real chance to overcome their mistakes. Record expungement is a powerful solution to breaking down barriers to opportunity for justice-involved individuals and their families. A [major study](#) from researchers at the University of Michigan found that within a year of expungement, people who were successfully able to clear their records saw their wages increase by more than 20 percent. Record expungement also benefits public safety. The same study also found evidence that record clearing can reduce recidivism rates: Michiganders who received expungements were less likely to commit a crime than the general population.

At the national level polling suggests that most Americans—across the political spectrum—are in favor of automatic record expungement measures. [Seventy percent](#) of Americans support automated record expungement policies—including 66 percent of Republicans and 75 percent of Democrats. And [states across the country](#) (as diverse as Pennsylvania, Michigan, Delaware, Utah, Texas, and New York to name a few) have already taken steps to implement their own automatic record expungement measures, with great success. For example, [Pennsylvania's](#) automated record expungement measure has helped to clear over 45 million records since its implementation in 2019. With this over 1.2 million Pennsylvanians have been given a meaningful second chance to build towards a successful future for themselves, their families, and their communities.

While petition-based record clearance measures exist under current Maryland law, these remedies often leave most eligible people behind. Many people are unaware that they are entitled to record-clearing. Others struggle to navigate the expensive and complicated process of filing a record-clearing petition in court, which for most requires hiring a lawyer and taking time off of work to appear in court, often racking up thousands of dollars in legal bills and court costs. Meanwhile, the courts must process each petition one by one, straining valuable judicial resources. Consequently, record-clearing is out of reach for all but the most well-resourced

Americans. These same challenges are evidenced by [research from The Paper Prisons Initiative of Santa Clara University](#), which found that under Maryland's existing record clearance measures, only two percent of eligible people successfully have their conviction records cleared.

Maryland's automated record expungement legislation (SB 398) will require the implementation of a system that automatically seals eligible records through the use of technology and will ensure that everyone who qualifies for record-clearing gets the clean slate they deserve—regardless of whether they can afford a lawyer and expensive court fees and without navigating a complex court process. SB 398 is also beneficial for economic growth. Through this legislation, more Marylanders have access to workforce opportunities and businesses can access a broader candidate pool of qualified workers. These opportunities not only benefit those who are directly impacted, but ultimately help stimulate local businesses, communities, and the state's overall economy.

On behalf of the Center for American Progress, I urge the Maryland Senate and Assembly to swiftly pass and sign SB 398 into law. With these measures, Maryland has the ability to uplift justice-impacted individuals and their families while building safer and healthier communities for generations to come.

Thank you for the opportunity to submit this written testimony for the record.

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