



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401

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Chairman William C. Smith, Jr.
Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chair Smith and Members of the Committee,

The Legislative Black Caucus of Maryland strongly supports Senate Bill 398: Criminal Procedure - Automated Expungement. This bill is on the **2025 legislative priority agenda of the Black Caucus** and will automate the expungement process for eligible misdemeanors in Maryland.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment, housing, education, and licensing prospects for the estimated 25% of working-age Marylanders with a record. Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, 71% of Maryland's prison population is black, the highest in the nation, leaving African-American Marylanders disproportionately impacted by lack of access to education, housing, and employment due to a criminal record. One out of three Marylanders returning from incarceration return to Baltimore City, with Prince George's County as a close second. Combined, these two jurisdictions make up over half of the black population in Maryland (56%) - so when returning citizens are denied jobs, housing, and other necessities, these communities are hit hardest. The Black Caucus remains at the forefront in supporting pathways to re-entry for public safety, family unity, opportunity, and access to generational wealth.

In 2016, Maryland passed the Justice Reinvestment Act, which allowed many misdemeanors and a few felonies to be eligible for expungement after the completion of the sentence, including parole, probation, and any form of mandatory supervision. This gave a tremendous amount of breathing room to systems-impacted persons- primarily African Americans- in their pursuits to reacclimate into society, secure jobs and education, and obtain an occupational license. However, only 2% of people with convictions eligible for expungement took advantage of the service, either because of backlogs within the courts or because they didn't know they were eligible. We applaud the work of expungement practitioners throughout the state for hosting clinics to address this issue, but we believe there is a better way.

Senate Bill 398, in coordination with the Department of Public Safety and Corrections (DPSCS) and The Administrative Office of the Courts, creates an automated expungement process to shift the burden from the potentially unaware

person to state agents. If this bill were to pass, over 400,000 Maryland adults could have their records cleared overnight. It does not alter the manual petition process listed in Criminal Procedure §10–110 or §10–105 but expands on the existing automated expungement process for cannabis in §10–112. The Maryland Legislative Black Caucus fully supports efforts to remove barriers to employment, education, housing, and more for African Americans throughout the state. For these reasons, we respectfully urge a favorable report on Senate Bill 398.

Legislative Black Caucus of Maryland