

Automatic sealing of convictions.pdf

Uploaded by: Adrian Bridgers

Position: FAV

Dear Chair Smith and the Judicial Proceedings Committee,

My name is Adrian Bridgers and I am a resident of District 45. I am writing in support of SB 398, the Automated Expungement bill, which ensures that all expunge-able misdemeanors are automatically hidden from public view in electronic court records.

Criminal record expungements are vital because they provide individuals with a genuine opportunity to move forward in life. By removing the barriers associated with a criminal record, expungement allows people to access better job opportunities, secure stable housing, and fully reintegrate into society without the weight of past mistakes limiting their potential & strides. Everyone deserves a fair chance at a fresh start once they have completed their sentence and parole obligations, which has already held them accountable.

Unfortunately, many individuals do not pursue expungement due to a lack of awareness about their eligibility, the complexity and cost of the legal process, or the discouragement that comes with the stigma of a past conviction. Because of these barriers, the expungement and sealing process should be as automatic as possible to ensure that all eligible individuals receive the relief they deserve without unnecessary obstacles.

For these reasons, I strongly urge a favorable report on SB 398.

Sincerely,
Adrian Bridgers

CAP MD GA Written Testimony in Support of SB 398.p

Uploaded by: Akua Amaning

Position: FAV



Transmitted electronically via MyMGA portal

Maryland General Assembly
Senate Judiciary Committee

Written Testimony in support of Senate Bill 398

An Act Concerning Automatic Expungement of Criminal Records

February 5th, 2024

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.

Akua Amaning

Director, Criminal Justice Reform

Center for American Progress

aamaning@americanprogress.org

Employ Prince George's - SB 398 Testimony - FAV.pd

Uploaded by: Ardy Kamali

Position: FAV



EMPLOY PRINCE GEORGE'S
1801 McCormick Drive, Suite 400,
Largo, Maryland 20774
www.employpg.org
(301) 618-8400

Walter L. Simmons, President

Bill Number: Senate Bill 398
Title: Criminal Procedure – Automated Expungement
Committee: Judicial Proceedings
Hearing Date: February 5, 2025
Position: FAVORABLE

Employ Prince George's, Inc. ("EPG") is a nonprofit organization that serves as the principal workforce development entity for Prince George's County and is responsible for regulating policy development and the administration of workforce activities related to services and programs funded by the federal Workforce Innovation & Opportunity Act (WIOA).

The passage of Senate Bill 398 is a critical step in ensuring that Marylanders with eligible criminal records are not permanently barred from employment, housing, and educational opportunities due to the burdensome and complex expungement process. By automating expungement for certain nonviolent offenses, this bill will help remove unnecessary barriers to employment for thousands of job seekers across the state.

As an organization that engages directly with job seekers, employers, and workforce partners, we see firsthand how past criminal records—often for offenses long in the past—serve as a major obstacle to stable employment. Despite their qualifications and readiness to work, many individuals face rejection solely due to the presence of an expungeable but still visible record. This systemic barrier disproportionately affects communities of color and individuals from economically disadvantaged backgrounds, exacerbating cycles of poverty and unemployment.

EPG has taken proactive measures to address this issue by hosting expungement fairs, providing vital resources to individuals seeking a fresh start. However, these events require significant time and resources that could be better allocated to workforce development programs, such as job training, career counseling, and employer partnerships. Automating expungement would allow EPG and other workforce organizations to focus on their core mission – helping individuals secure meaningful employment and achieve economic self-sufficiency.

Beyond the individual impact, this legislation will benefit employers and Maryland's economy as a whole. Businesses across sectors are struggling to fill vacancies and secure skilled labor. Expanding the workforce by allowing more individuals to participate without unnecessary legal barriers will strengthen our state's economic competitiveness. Moreover, reducing recidivism through employment has been proven to increase public safety and decrease reliance on social services, saving taxpayer money in the long run.

This legislation is a common-sense policy that will create pathways to economic opportunity for countless Marylanders while strengthening our workforce and communities. For these reasons, EPG respectfully urges a favorable report on Senate Bill 398.

SB0398 - Automated Expungement_BH.pdf

Uploaded by: Barbara Hauck

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of District 45. I am a voter, homeowner, and active community member. **I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

This has lasting effects. Charges that people could have had expunged may instead remain on their records permanently, which can dramatically impact their lives for the worse. Potential consequences of having a criminal record include being unable to rent an apartment, obtain employment or work credentials, gain admission to college or to programs that help pay for college, keep custody of one's children, access some government services, or vote in elections.² These avoidable consequences limit people's lives and ability to participate meaningfully in society and contribute to their communities.

SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a “clean slate” is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,

Barbara Hauck
3420 Harford Rd.
Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

¹ C. Chien, “America's Paper Prisons: The Second Chance Gap.” *Mich. L. Rev.*, 119(3).
<https://doi.org/10.36644/mlr.119.3.america> Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists,
<https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, “Expungement and Changing Your Criminal Record,” <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, “Expungement”
<https://www.ma4jr.org/expungement/>

MD Senate Judicial Proceedings_Clean Slate_JPMC St

Uploaded by: Brandon Hatton

Position: FAV

Statement for the Record
JPMorganChase *PolicyCenter*
Senate Judicial Proceedings Committee
Maryland General Assembly
February 5, 2025

Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee, thank you for the opportunity to provide a statement in support of Maryland Clean Slate automatic record clearing, [SB 398/HB 545](#).

One in three Americans – roughly 80 million people – face barriers to employment due to an arrest or conviction record. They represent a [Waiting Workforce](#). JPMorganChase is committed to giving people across the country a [second chance](#). In 2023, JPMorganChase hired more than 3,000 people with criminal records – nearly 10 percent of new hires in the US – whose history had no bearing on the requirements of the job they were seeking. To achieve this type of impact, we made changes in our own hiring and recruitment practices (e.g., we ‘banned the box’), and we are actively encouraging other companies to do the same.

As a founding member of the [Second Chance Business Coalition](#), JPMorgan Chase is working with more than 50 large companies across multiple industries that are committed to developing best practices and tools for employers to deploy second chance hiring and advancement strategies within their firms. Most of these companies are household names and have a presence in virtually every community across the country.

We believe business has a role to play in helping more people share in the benefits of economic growth. But to achieve systemic change, we need improved public policy, including common sense measures like Clean Slate automatic record clearing for eligible offenses.

In Maryland, it is estimated that more than 400,000 people are eligible to have their records cleared, but very few pursue the complex, time consuming and costly process. This means that even after fulfilling their justice system obligations, people with criminal records often continue to be blocked from fully participating in the economy and their community. To provide relief in the communities we serve, JPMorganChase’s Legal Pro Bono team partners with community-based legal services nonprofit organizations and law firm partners to host expungement clinics with the aim of helping eligible individuals prepare the documents needed for the criminal record expungement or sealing process.

JPMorganChase has a presence in all 50 states, and we’re always looking to attract top talent and break down barriers to employment. For example, last fall we celebrated the one year anniversary of the firm’s Baltimore-based virtual call center by announcing it doubled the employee headcount to 81 specialists and leaders in 12 months. We aim to expand this team to 125 employees, further solidifying our commitment to expand the availability of customer service careers to communities where talent

JPMORGAN CHASE & CO.

exists but opportunities have been limited without a traditional call center site. Our new team members are among the more than 575 employees in Maryland serving more than 1.3 million consumer and business customers—and growing – across the state.

By reducing barriers to employment for those with criminal records, Clean Slate legislation can play an important role in getting more talent into the labor market. States such as Pennsylvania, Utah, Michigan, Delaware, Connecticut, New Jersey, Virginia, Colorado, Louisiana, and New York have passed Clean Slate measures to automate the process of clearing or sealing eligible criminal records and open access to career pathways. Pennsylvania has already cleared eligible records for about 1.2 million people and Utah has cleared roughly 500,000 eligible records.

When someone cannot get their foot in the door to compete for a job, it hurts businesses and communities by limiting access to economic opportunity. We urge the legislature to pass Clean Slate legislation to help bolster the state's economy by more fully tapping the talents of thousands of people who are currently unemployed or underemployed because of their past record.

We appreciate the Committee's consideration of Clean Slate legislation and urge a favorable report.

Contact:

JPMorganChase PolicyCenter

Nan.M.Gibson@jpmchase.com / 202-320-4545

JPMorganChase *PolicyCenter*
875 15th Street, NW
Washington, D.C. 20005

SB0398 - Automated Expungement CBell.pdf

Uploaded by: Christina Nemphos

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of Maryland District 40, and I live in the Medfield neighborhood of Baltimore. **I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

This has lasting effects. Charges that people could have had expunged may instead remain on their records permanently, which can dramatically impact their lives for the worse. Potential consequences of having a criminal record include being unable to rent an apartment, obtain employment or work credentials, gain admission to college or to programs that help pay for college, keep custody of one's children, access some government services, or vote in elections.² These avoidable consequences limit people's lives and ability to participate meaningfully in society and contribute to their communities.

SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. **This ensures that a “clean slate” is available not just in theory, but in practice for any Marylanders who are eligible. In addition, once an automated system is in place, it would make the expungement process much more efficient for the overburdened court system.**

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,
Christina L. Bell
1301 W 42nd St, Baltimore, Md 21211
Showing Up for Racial Justice Baltimore

¹ C. Chien, “America's Paper Prisons: The Second Chance Gap.” *Mich. L. Rev.*, 119(3). <https://doi.org/10.36644/mlr.119.3.america>
Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists, <https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, “Expungement and Changing Your Criminal Record,” <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, “Expungement” <https://www.ma4jr.org/expungement/>

SB0398 - Automated Expungement.pdf

Uploaded by: Christina Pham Linhoff

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of District 46. **I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

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SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a "clean slate" is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,
Christina Pham Linhoff
710 William Street, Baltimore, MD, 21230
Showing Up for Racial Justice Baltimore

¹ C. Chien, "America's Paper Prisons: The Second Chance Gap." *Mich. L. Rev.*, 119(3).
<https://doi.org/10.36644/mlr.119.3.america> Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists,
<https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, "Expungement and Changing Your Criminal Record," <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, "Expungement" <https://www.ma4jr.org/expungement/>

SB0398 - Automated Expungement.pdf

Uploaded by: Daryl Yoder

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of District 44A and a longtime volunteer with Out for Justice. **I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

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SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a "clean slate" is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,
Daryl Yoder
309 Glenmore Ave.
Catonsville, MD 21228
Showing Up for Racial Justice Baltimore

¹ C. Chien, "America's Paper Prisons: The Second Chance Gap." *Mich. L. Rev.*, 119(3).
<https://doi.org/10.36644/mlr.119.3.america> Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists,
<https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, "Expungement and Changing Your Criminal Record," <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, "Expungement" <https://www.ma4jr.org/expungement/>

Automated Expungement_250203_160652.pdf

Uploaded by: Demetrious Jones

Position: FAV

Dear Chair Smith and the Judicial Proceedings Committee,

My name is Demetrious Jones and I am a resident of District 7. I am writing in support of SB 398, Automated Expungement. This bill automatically hides all expungable misdemeanors from public view in electronic court records. I believe criminal record expungements are important because it restores privacy to the individual by giving them the ability to avoid disclosure of expungable misdemeanors. It also improves employment opportunities by reducing the number of criminal records visible to employers. Last, but not least, it restores a sense of dignity and self respect to the individual(s) that have made wrong choices and are trying to atone for their actions and / or behavior.

I believe individuals do not pursue expungements because of a fear of being re-

incarcerated. Also, for fear of being fined and made to pay financial restitution. And often times the cost associated with sealing one's record is not affordable for the individual. For this reason I believe the expungement and sealing process should be automatic as possible to make sure that everyone who can benefit from the law does. I urge a favorable report.

Sincerely,
Demetrious Jones

SB0398 - Automated Expungement.pdf

Uploaded by: Erica Palmisano

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of 12. **I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

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SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a “clean slate” is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,
Erica Palmisano
5580 Vantage Point Rd, Apt 5, Columbia, MD 21044
Showing Up for Racial Justice Baltimore

¹ C. Chien, “America's Paper Prisons: The Second Chance Gap.” *Mich. L. Rev.*, 119(3). <https://doi.org/10.36644/mlr.119.3.america>
Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists, <https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, “Expungement and Changing Your Criminal Record,” <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, “Expungement” <https://www.ma4jr.org/expungement/>

SB 398_Criminal Procedure_Automated Expungement_FA

Uploaded by: Grason Wiggins

Position: FAV

Senate Bill 398

Date: February 5, 2025

Committee: Senate Judicial Proceedings

Position: Favorable

Founded in 1968, the Maryland Chamber of Commerce (Maryland Chamber) is a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic growth and opportunity for all Marylanders.

By providing for an automated expungement of certain misdemeanors either three or seven years after the disposition of the case, Senate Bill 398 (SB 398) would improve access to criminal record sealing, a common-sense measure that will grow our workforce and strengthen our businesses.

Over 400,000 Marylanders are currently eligible to have their old criminal records fully cleared but are held back by a process that is expensive, time-consuming, and difficult to navigate. SB 398 would alleviate those burdens, ending a restriction currently limiting our labor force. This new, expansive workforce would have tremendous benefits for our employers that go beyond the labor shortage, allowing our state's businesses to grow and succeed. Employers who hire justice-impacted workers [report](#) that their quality of work and contributions are on par with or better than other employees, and turnover rates are notably lower.

Additionally, the U.S. Chamber of Commerce [released a report](#) in 2021 that estimated that excluding formerly incarcerated job seekers from the work force has cost the United States at least \$78 billion in lost gross domestic product. The ability to hire and retain qualified, hard-working individuals will help sustain healthy and prosperous businesses throughout Maryland.

The Maryland Chamber believes in the importance of second chance employment, both for developing our state's workforce and for uplifting our communities. In recent years, through our Maryland Chamber Foundation, the Maryland Chamber of Commerce has been actively engaged in seeking ways to address the challenges faced by returning citizens as these individuals prepare for and seek employment post-incarceration. We believe all Marylanders should be able to actively serve their communities.

For these reasons, the Maryland Chamber of Commerce respectfully requests a **Favorable Report** on **SB 398**.

Letter Of Support SB398 (2025).pdf

Uploaded by: Hassan Giordano

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 5th, 2025

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

RE: Support of SB0398 - Criminal Procedure - Automated Expungement

Dear Chairman Smith and members of the Senate Judicial Proceedings Committee,

I am writing to express the support of the Office of the State's Attorney for Baltimore City for Senate Bill 398. This bill seeks to repeal a certain provision of law requiring the Department of Public Safety and Correctional Services to expunge certain cannabis possession cases by a specified date. It will establish procedures for the automated expungement of eligible records by both the Department and the Judiciary.

This legislation will provide thousands of Maryland residents, who pose no threat to public safety, with a genuine opportunity to move forward. Currently, individuals with a criminal record—regardless of the nature of the offense or the time elapsed since the conviction—face significant barriers to employment, housing, education, public assistance, and family reunification. These barriers often push individuals into cycles of economic instability, increasing the likelihood of recidivism.

Public safety and accountability are this office's highest priorities. An essential step in making our communities safer is ensuring that individuals who have served their time and no longer pose a risk to society can fully reintegrate. By facilitating automatic expungement, this bill will help reduce recidivism, lower unemployment rates, strengthen family stability, and ultimately enhance public safety.

While petition-based record clearance measures exist, they have proven largely ineffective in addressing the needs of our communities. Many individuals eligible for expungement never complete the process due to financial burdens, lack of legal knowledge, or bureaucratic hurdles. By implementing automatic expungement, Maryland will take a critical step toward a more just and equitable system.

I urge the committee to provide a favorable report on SB0398. This bill is a necessary step toward justice reform, economic opportunity, and safer communities across Maryland.



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

Thank you for your time and consideration.

Sincerely,

Hassan Giordano

Hassan Giordano
Chief, External Affairs

SB 398 Automated Expungement CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 398

Criminal Procedure - Automated Expungement – The Clean Slate Act

TO: Members of the Senate Judicial Proceedings Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 3, 2025

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system.

Senate Bill 398, the Clean Slate Act, will automate the sealing process and shield from public view eligible misdemeanor records after seven years have passed and will shield non-conviction and arrest records after three years have passed. Senate Bill 398 will ensure people are no longer defined by their criminal records, have the opportunity to contribute to their communities, and get a fair chance to work, seek an education, and achieve their full potential.

The Center urges a favorable report on Senate Bill 398 for three reasons. First, Senate Bill 398 will afford actual automatic sealing relief to the significant portion of the expungement-eligible population that does not currently obtain relief for a broad variety of reasons. Second, Senate Bill 398 will reduce the collateral consequences associated with having a criminal record. Third, Senate Bill 398 does not pose an unreasonable public safety risk and instead will promote public safety.

I. Automated record-sealing is necessary because of the documented low uptake rates for petition-based expungement processes.

The research shows that relying solely on petition-based expungement mechanisms results in an uptake gap whereby a large portion of people eligible for expungement do not receive relief. Low uptake rates prevent the broad public policy benefits of expungement from being fully realized. One national analysis concerning the expungement of conviction records found estimated uptake rates across states ranged from 0.2% to 11%.¹ That study found that there were 300,000 to 2 million people in each of the states examined with convictions that were eligible for expungement who did not receive those expungements.² Another study focused on Michigan concluded that only 6.5% of eligible individuals received expungements in that state within the

¹ Colleen Chien, *America's Paper Prisons: The Second Chance Gap*, 119 Mich. L. Rev. 519, 556-58 (2020).

² *Id.*

first five years of being eligible.³ Such low uptake rates are particularly troubling given that the majority of people who receive expungements do so in the first five years after becoming eligible. Accordingly, the study in Michigan projected a *lifetime* expungement uptake rate of less than 12% of those who were not sentenced to a period of incarceration and an even lower lifetime expungement uptake rate for those who were sentenced to incarceration.⁴

Removing the administrative burden from those eligible for expungement will reduce the expungement uptake gap. Automating record-sealing through Senate Bill 398 can avoid the need for applicant awareness and wherewithal to determine eligibility and apply for relief, mitigating the daunting barriers associated with navigating the bureaucratic and judicial processes. At the same time, Senate Bill 398 will mitigate harms and promote public safety as discussed further below.

II. Expanding record-sealing through Senate Bill 398 will reduce collateral consequences associated with having a criminal record.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment, housing, and educational prospects for the estimated 25% of working-age Marylanders with a criminal record.⁵ Every year, approximately 4,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Currently, an estimated 1 million adults in Maryland have a criminal record, or 1 out of every 4 ½ people, and 407,000 of those adults could receive complete record sealing from this legislation.⁶

The impact of an arrest or conviction record on individuals, families and communities is staggering, including the extensive list of collateral consequences that can follow a justice-involved individual for years, well after a case or period of incarceration concludes. These impacts span numerous areas central to a person’s ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.⁷ More than 92% of employers perform background checks for⁸ and deny employment to many returning citizens based on a criminal record. Unsurprisingly, expungement recipients exhibit much better employment⁹ Thus, automating the sealing of

³ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2466 (2020).

⁴ *Id.* at 2493.

⁵ Bureau of Justice Statistics, U.S. Department of Justice, Survey of State Criminal History Information Systems, 2012, 26 https://drive.google.com/file/d/1hUGVpwII6Z_GN4KOK6gV1eNkiyYbjbJI/view.

⁶ CSI State Data Fact Sheet: Maryland; The Clean Slate Initiative; <https://www.cleanslateinitiative.org/state-data-factsheet-maryland>.

⁷ Chien, *supra* note 1, 554 (“Because a criminal record can substantially limit a person’s opportunity to obtain employment, housing, public benefits, and student loans; to qualify for certain professions; and to gain entrance into higher education, having a record has been called ‘a civil death.’”)

⁸ Society for Human Resource Management, Conducting Background Investigations and Reference Checks, [https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20SHRM%20found.cycle%20\(see%20chart%20below\).](https://www.shrm.org/topics-tools/tools/toolkits/conducting-background-investigations-reference-checks#:~:text=A%20survey%20by%20SHRM%20found.cycle%20(see%20chart%20below).)

⁹ Prescott & Starr, *supra* note 3, at 2528.

criminal record is vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

III. The mitigation of collateral consequences does not pose a public safety risk and instead will likely result in public health and safety benefits.

Expanding actual relief for individuals who are already eligible does not pose a public safety risk. An empirical analysis of Michigan's expungement practices found that recipients of expungement posed a lower crime risk than the general population of Michigan as a whole, suggesting there is a strong correlation between expungement and lower recidivism.¹⁰ There is no empirical evidence that expungement undermines public safety.¹¹ Therefore, purported safety risks from Senate Bill 398's opponents are misplaced.

Beyond the absence of a public safety risk, Senate Bill 398 may affirmatively promote public safety and reduce crime. There is ample research that demonstrates the criminogenic effects associated with the collateral consequences of having a criminal record.¹² It follows that alleviating the burden of these collateral consequences would reduce illegal behavior among expungement recipients.

By automating components of the record-sealing process, Senate Bill 398 addresses gaps and challenges in the current expungement landscape. The Center fully supports this important bill as part of a broader set of efforts to remove barriers to employment, education, housing, and more for Marylanders with criminal records who have paid their debt to society. For these reasons, we respectfully urge a favorable report on SB 398.

¹⁰ *Id.* at 2512–14.

¹¹ Sonja B. Starr, "Expungement Reform in Arizona: The Empirical Case for a Clean Slate," 52 *Arizona State Law Journal* 1059, 1076 (2020).

¹² J.J. Prescott & Sonja B. Starr, *The Power of a Clean Slate*, <https://www.cato.org/regulation/summer-2020/power-clean-slate>.

SB0398 - Automated Expungement.pdf

Uploaded by: Holly Powell

Position: FAV

Dear **Members of the Judicial Proceedings Committee**,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of **District 46** and **work as a social worker in Baltimore City. I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

This has lasting effects. Charges that people could have had expunged may instead remain on their records permanently, which can dramatically impact their lives for the worse. Potential consequences of having a criminal record include being unable to rent an apartment, obtain employment or work credentials, gain admission to college or to programs that help pay for college, keep custody of one's children, access some government services, or vote in elections.² These avoidable consequences limit people's lives and ability to participate meaningfully in society and contribute to their communities.

SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a "clean slate" is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,

Holly Powell

2308 Cambridge Street

Baltimore, Maryland 21224

Showing Up for Racial Justice Baltimore

¹ C. Chien, "America's Paper Prisons: The Second Chance Gap." *Mich. L. Rev.*, 119(3). <https://doi.org/10.36644/mlr.119.3.america>
Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists, <https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, "Expungement and Changing Your Criminal Record," <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, "Expungement" <https://www.ma4jr.org/expungement/>

Testimony SB 398 Clean Slate 2-5-25.pdf

Uploaded by: Jennifer Vey

Position: FAV



POSITION STATEMENT

Written Testimony to the Judicial Proceedings Committee SB.398– Criminal Procedure - Automated Expungement

Sponsors: Senator McKay

February 5, 2025

Dear Members of the Judicial Proceedings Committee,

On behalf of the Greater Baltimore Committee, I write to you in support of SB.398, referred to as “Clean Slate Maryland.” By automating the process of clearing eligible misdemeanor records, this bill can provide second chances for thousands of Marylanders, improve our economy, and strengthen communities across our state.

As the leading voice for the private sector in the Baltimore region, GBC is actively engaged in collective efforts to grow a dynamic and inclusive regional economy. Clean Slate is vital to this work. As labor shortages persist, we need to reduce barriers that needlessly keep hardworking Marylanders out of the workforce. Yet even decades-old criminal records can prevent residents from finding meaningful employment. With approximately 400,000 individuals across the state currently eligible to have their records cleared, Clean Slate would dramatically expand the number of workers and support businesses from Baltimore to Bethesda. This in turn would allow employers across the state to tap into a more expansive talent pool of qualified potential employees.

The impact on the economy can hardly be overstated. The United States loses about [\\$87 billion in GDP](#) each year due to the underemployment of people with criminal records. A study in Michigan found that the automated process for record clearing increased wages [by 22% within the first year](#), putting more money into the pockets of consumers and creating a stronger economy for Maryland.

GBC is actively working towards creating a more prosperous and inclusive future for Baltimore. That means giving our neighbors the opportunities they need and deserve. We urge the Committee to pass this important legislation.

Sincerely,

Jennifer S. Vey
Executive Vice President & Chief Strategy Officer

GREATER BALTIMORE COMMITTEE

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • www.gbc.org

SB 398 - Criminal Procedure - Automated Expungemen

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

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

Advocating better skills, jobs, and incomes

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

Testimony in Support of SB0398_Blaha_SURJ.pdf

Uploaded by: Katherine Blaha

Position: FAV

Monday, February 3, 2025



Showing Up for Racial Justice

Dear Members of the Judicial Proceedings Committee,

I am submitting this testimony as a member of Showing Up for Racial Justice Baltimore, a group of individuals working to mobilize white people in a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County.

We are working in collaboration with Out for Justice. I am a resident of Baltimore City. **I am testifying in support of SB0398 - Criminal Procedure - Automated Expungement.**

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so, as they are either unaware they are eligible for expungement or unable to navigate the confusing and burdensome process through the court system. Only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.

This has lasting negative effects. Charges that people could have had expunged may instead remain on their records permanently, which can dramatically and harmfully impact their lives. Having a criminal record can render a person unable to rent an apartment, obtain employment or work credentials, gain admission to college or to programs that help pay for college, keep custody of one's children, access some government services, or vote in elections. These avoidable and undue consequences limit people's lives and ability to participate meaningfully in society and contribute to their communities, as well as to remain out of the justice system.

SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This

ensures that a “clean slate” is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure - Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,
Dr. Katherine Blaha
5706 Cross Country Blvd
Baltimore, MD 21209
Showing Up for Racial Justice (SURJ) Baltimore

SB0398 - Automated Expungement.pdf

Uploaded by: Katherine Grasso

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore in collaboration with Out for Justice. I am a resident of **District 43a. I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system.

The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

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It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Grasso
2507 N Howard St. #415
Baltimore, MD 21218
Showing Up for Racial Justice Baltimore



Showing Up for Racial Justice

¹ C. Chien, “America’s Paper Prisons: The Second Chance Gap.” *Mich. L. Rev.*, 119(3).
<https://doi.org/10.36644/mlr.119.3.america> Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists,
<https://www.cleanslateinitiative.org/maryland>

² The People’s Law Library of Maryland, “Expungement and Changing Your Criminal Record,” <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, “Expungement”
<https://www.ma4jr.org/expungement/>

SB0398 - Automated Expungement.docx.pdf

Uploaded by: Katherine Wilkins

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of District 12A. **I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

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SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a "clean slate" is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins
5605 Foxcroft Way
Columbia MD 21045

Showing Up for Racial Justice Baltimore

¹ C. Chien, "America's Paper Prisons: The Second Chance Gap." *Mich. L. Rev.*, 119(3). <https://doi.org/10.36644/mlr.119.3.america>
Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists, <https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, "Expungement and Changing Your Criminal Record," <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, "Expungement" <https://www.ma4jr.org/expungement/>

SB0398 - Automated Expungement.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of **46. I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

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It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,

Lindsay Keipper
2425 Fleet St., Baltimore
Showing Up for Racial Justice Baltimore

¹ C. Chien, "America's Paper Prisons: The Second Chance Gap." *Mich. L. Rev.*, 119(3). <https://doi.org/10.36644/mlr.119.3.america> Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists, <https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, "Expungement and Changing Your Criminal Record," <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, "Expungement" <https://www.ma4jr.org/expungement/>

CLS Support for SB0398 - MD Clean Slate Act.pdf

Uploaded by: Lisa Sarro

Position: FAV



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Executive Director

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Deputy Director

Lisa Sarro, Esq.
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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:

- 1. 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.

RBIJ - Clean Slate MD (Written) Testimony 2.5.25.p

Uploaded by: Maggie O'Donnell

Position: FAV



February 5, 2025

Re: HB.545/SB.398: Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2025)

Dear Members of the Judiciary Committee,

The Responsible Business Initiative for Justice (RBIJ) is an award-winning international nonprofit that works with companies to champion solutions that promote public safety, deliver justice, and strengthen communities. Since its inception, RBIJ has collaborated with companies of all sizes across two dozen states to advocate for practical policy reforms that expand workforce opportunities and stimulate economic growth. We strongly support the passage of Clean Slate Maryland (HB.545/SB.398) to provide deserving individuals with the second chance they have earned.

A criminal record creates significant barriers to employment, housing, professional licensing, and education—not just for individuals but also for their families. The challenges in securing employment are particularly severe: [nine in ten employers](#) currently use background checks to screen applicants, and having a record – even an extremely old record – reduces an otherwise-qualified job seeker’s chance of getting a callback [by nearly 50 percent](#). Those record clearing processes that do exist are complicated, burdensome, and seldom accessed. Nationally, [less than five percent](#) of eligible individuals receive the clearance to which they are entitled. The result is costly to businesses and communities alike.

Clean Slate legislation in Maryland would remove these barriers – creating benefits for businesses across the state. Passing automatic record clearing will help employers access a diverse, loyal, and underutilized talent pool to bolster the labor market. Despite record-low unemployment, businesses across Maryland are still struggling to fill thousands of open jobs. According to a recent poll conducted by Small Business Majority, [84% of small business owners agree](#) that Clean Slate policies will open up a pool of applicants that have earned a second chance. These bills would ease the burden for companies that are desperately trying to hire. Clean Slate is an opportunity for job growth that Maryland cannot afford to pass up.

Passage of these bills would significantly strengthen Maryland’s economy. Estimates indicate that the underemployment of people with records costs the United States more than [\\$87 billion in lost productivity](#). A study in Michigan found that automatic record clearing increases wages by more than [20 percent within one year alone](#). That’s more money in the pockets of consumers and back into local businesses. Removing barriers to employment reduces the need for government assistance, saving taxpayer dollars and increasing prosperity.

And if the jobs and economic growth potential isn’t reason enough to support Clean Slate, the benefit to public safety is key. One of the most important factors in whether someone will reoffend is their

The Responsible Business Initiative for Justice is the collective name for RBIJ UK (a non-profit community interest company (company number: 12100724)) and RBIJ USA (a fiscally sponsored project of NEO).



employment status. By expanding the pool of talent businesses can recruit into long-term, sustaining jobs, Clean Slate will reduce recidivism. By making Maryland a safer place to live and work, we can continue to attract new talent, new employers, and new investments.

It's no surprise that Clean Slate policies have garnered support from multinational corporations, mid-sized businesses, small enterprises, and Chambers of Commerce nationwide. Companies have seen firsthand how automatic record clearing strengthens the communities they serve while also benefiting their bottom line. RBIJ stands in strong support of passing Clean Slate. Maryland needs legislation that meets the needs of its workers and its businesses – and HB.545/SB.398 does just that. It is imperative that the legislature take this opportunity to pass these common-sense measures.

Maggie O'Donnell
Director of Policy & Advocacy
Responsible Business Initiative for Justice
maggie@rbij.org

SB 398 - Criminal Procedure - Automated Expungemen

Uploaded by: Mark Woodard

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony for 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, 2024

POSITION: Support

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.**

SB 398 intends to expunge most misdemeanor convictions after three years and do so automatically through the Department of Public Safety and Correctional Services and the Judiciary. Two offenses, one for domestic violence and the other for second degree assault would only be eligible for automatic expungement after seven years.

There are many ramifications for a person with a criminal record even for minor offenses. Clearly these effects are most prevalent in employment situations and have often either prevented a person from being hired or in some cases being fired after being hired. Far too often low skilled and low-income persons have had some prior criminal record that prevents them from employment and the ability to move forward with their lives in a productive manner.

Not only is this a problem for them in moving forward with their individual lives, but takes employees out of the workforce, and removes tax-payers from the tax base thereby harming the economy and state revenues.

SB 398 is an important and necessary step towards criminal justice reform that also contributes to our state's workforce and tax base. **For these reasons, JOTF supports Senate Bill 398 and urges a favorable report.**

For more information, contact:

Mark Woodard /Public Policy Advocate / Mark@jotf.org

SB398 Clean Slate favorable.docx.pdf

Uploaded by: Melissa Rothstein

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

HANNIBAL KEMERER
CHIEF OF STAFF

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: SB0398 Criminal Procedure – Automatic Expungement

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/5/2025

The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a favorable report on Senate Bill 398. Expungement of a criminal record restores access to work, housing, and other basic needs after someone has served their time without a new conviction after the designated waiting period. The complexities of determining whether a conviction is eligible and the process for filing a petition result in many individuals not pursuing this remedy and remaining hampered by their prior criminal record. Senate Bill 398 will streamline the process to provide automatic removal of eligible cases from the Central Repository and electronic court records.

Senate Bill 398 does not expand the list of eligible convictions nor alter the criteria for eligibility. Rather, it streamlines the process for removing access to this information by employers, housing providers, licensing agencies, and others who may restrict opportunities based on a criminal conviction. It does so after a lengthy period of time (beyond when expungement is first available) to remove any heightened risk of recidivism.

The eligible convictions do not stem from violent or serious offenses. Rather, they are misdemeanors that disproportionately impact people with a psychiatric concern, a substance use disorder, and/or abject poverty. Automatically expunging their records can be particularly impactful to promote stability for these exceptionally vulnerable individuals. As Black and Brown individuals are disproportionately brought into the criminal legal system and face disparities throughout the process, automatic expungement is an important racial justice measure.

While promoting the removal of barriers caused by misdemeanor convictions, SB 398 seeks to balance the concerns of non-citizens, for whom destruction of these records could have significant immigration consequences. The bill does not require obliteration, although it is unclear whether the option of obliterating remains. OPD would recommend adding a provision to allow a non-citizen defendant or their attorney to obtain their own expunged records upon written request to the clerk, without requiring a judge's good cause finding.

The Clean Slate bill has the ability to help many impacted individuals. It's an important piece of legislation that will streamline the process and encourage opportunities that promote a productive law-abiding lifestyle.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 398.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Melissa Rothstein, Chief of External Affairs,

melissa.rothstein@maryland.gov, 410-767-9853.

SB398_ShoreLegalAccess_FAVORABLE.pdf

Uploaded by: Meredith Girard

Position: FAV

SB398 Criminal Procedure – Automated Expungement
HEARING BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
2/5/2025



POSITION: FAVORABLE

Shore Legal Access (formerly Mid-Shore Pro Bono) supports SB398. This bill would automatically remove from public view criminal records for certain misdemeanors after seven years have passed or after three years for cases with non-convictions. Automatic expungement would significantly expand access to clearing criminal records, save valuable legal services resources, and increase housing, employment, service, and educational opportunities for all Marylanders. The success and efficacy of Maryland’s groundbreaking work to expand access to criminal record expungement would advance significantly through SB398.

Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLA helps over 3,800 people in our community access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for eviction prevention, criminal record expungement, life and estate planning, family law, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.

SLA is a provider of legal representation for criminal record expungement cases in 8 Eastern Shore counties (Caroline, Dorchester, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester). Since Maryland’s law changed to expand access to criminal record expungement and decriminalize cannabis, SLA has helped over 330 people on the Eastern Shore to get their records cleared. Our volunteer attorneys provide the necessary research and document preparation required to prepare and file an expungement petition. We know that many more people in our community would benefit from obtaining criminal record

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expungement, but many are unsure about how to go about it. Very few Marylanders take advantage of the petition-based process to clear their records.

SLA's clients include Diane* a mother of three seeking to clear a charge from many years ago that ended up being dismissed so that she could get her nursing certificate. Wayne* sought assistance to clear a conviction for writing a bad check less than \$300 that has been on his record for 26 years so that he could secure better employment opportunities. While most people seeking legal assistance with expungements are younger, working folk, nearly 10% are older adults, including Roy*, who is 82 years old and sought help with clearing a conviction for disturbing the peace over thirty years ago. He simply wanted peace of mind that his record was clear.

Maryland's petition-based system of criminal record expungement requires multiple steps that are not always easy for people to navigate. As a civil legal services provider, we would certainly prefer to use our limited resources for more complicated legal representation.

SB398 would be a game changer for 407,000 Marylanders, the estimated number of people who would benefit from automatic expungement. On the Eastern Shore, we have a disproportionately large number of people involved with the criminal justice system, particularly in Dorchester, Wicomico, Worcester, and Somerset Counties where the rate of incarceration is more than twice the state average. Our communities would benefit from having a stronger workforce and greater economic and social opportunities.

Automated expungement would significantly reduce the burden on people who have earned and deserve to have their records cleared, while also reducing the cost of time and resources required by the current petition-based system. SLA supports SB398 and urges the Committee's favorable recommendation on this bill. If you have any questions regarding our position, please contact Meredith Girard, Executive Director at 410.690.8128 or e-mail mgirard@shorelegal.org.

*Client's name changed to protect confidentiality



SB398.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



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Judicial Proceedings Committee
Executive Nominations Committee

THE SENATE OF MARYLAND
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Joint Committees
Administrative, Executive,
and Legislative Review
Children, Youth, and Families
Program Open Space and Agricultural
Land Preservation

Williamsport Office
2N Conococheque Street
Williamsport Town Hall
Williamsport, Maryland

Senate Bill 398 – Criminal Procedure – Automated Expungement

January 22, 2025

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee,

Senate Bill 398 repeals a certain law provision requiring the Department of Public Safety and Correctional Services to expunge certain cases involving charges of possession of cannabis on or before a certain date. This bill will establish procedures for the automated expungement of certain cases outlined in the bill by the Department and the Judiciary.

I thank you for your time and I urge a favorable report.

Sincerely,

A handwritten signature in black ink that reads "Mike McKay".

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

NCADD-MD - 2025 SB 398 FAV - Automatic Expungement

Uploaded by: Nancy Rosen-Cohen

Position: FAV



Senate Judicial Proceedings Committee

February 5, 2025

Senate Bill 398

Criminal Procedure - Automated Expungement

Support

NCADD-Maryland supports Senate Bill 398. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the unintended collateral damage caused by our drug policies. When people who struggle with substance use disorders get treatment and start the recovery process, criminal records are often huge barriers to success. Obtaining employment and housing is difficult, and sometimes impossible. Without a place to live or a reliable income, some people are much more likely to re-offend and/or return to alcohol and drug use.

Senate Bill 398 will automatically expunge eligible convictions from people's records. With the advances in technology in the Judiciary, it seems unreasonable to require people who meet the requirements for expungement to have to file petitions and potentially appear in court to obtain something they have a right to and that can be easily accomplished by the State.

These kinds of policy changes are a necessary component to significantly improving our communities. When people have served their time, they should have the opportunities and supports needed to ensure they are able to maintain productive lives and livelihoods with their families. Removing some of the barriers to success will also help people with substance use disorders maintain their recovery.

We urge your support of Senate Bill 398.

OmaniPlacide_SB398_FAV.pdf

Uploaded by: Omani Placide

Position: FAV

Good afternoon,

My name is Omani Placide, and I am a resident of the 40th District. I stand before you today to testify in strong support of SB 398, a bill that would automate the expungement process for eligible misdemeanors in Maryland.

I know firsthand how a criminal record—even for a minor offense—can derail a person’s future. My conviction wasn’t for a serious charge, yet it shut doors that should have been open to me. I lost access to gig economy work and was blocked from becoming a correctional officer. Not because of who I am, but because of what was on paper.

I was lucky. Someone in my network saw me for more than my past mistakes and gave me an opportunity as a youth organizer. Now, my job is to help young people—many who, like me, made a mistake but are trying to build a better future.

But here’s the truth: Most of them don’t even know expungement is possible. They don’t know their record could be cleared. They don’t have the resources to navigate the process. And even if they do, the cost alone can be a barrier. How can we expect someone to afford an expungement when their record keeps them from getting a decent-paying job in the first place?

A single mistake at 18 shouldn’t determine your entire life. It shouldn’t be the reason someone is stuck in a cycle of low-wage jobs with no room to grow. I know my life could have gone a very different way if I didn’t have the right support at the right time. That’s why I’m here—for the thousands of people like me who aren’t as lucky.

SB 398 is a chance to right a wrong in our system—to remove unnecessary barriers and give people a real shot at redemption. I urge you to support this bill. A favorable report doesn’t just change policies—it changes lives.

Thank you.

SB0398 - Automated Expungement.pdf

Uploaded by: Rebecca Shillenn

Position: FAV

Dear **Members of the Judicial Proceedings Committee,**

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out for Justice. I am a resident of **District 45. I am testifying in support of SB0398 - Criminal Procedure – Automated Expungement.**



Showing Up for Racial Justice

Eligibility for criminal record expungement has expanded since the Maryland General Assembly passed the Justice Reinvestment and REDEEM Acts. However, an overwhelming majority of individuals who could have their charges expunged never petition the courts to do so. They may be unaware they are eligible for expungement or unable to navigate the process in an overburdened court system. The result is that only a tiny percentage of Marylanders whose convictions are eligible for expungement—less than 10%—actually get their records expunged within 5 years of becoming eligible.¹

This has lasting effects. Charges that people could have had expunged may instead remain on their records permanently, which can dramatically impact their lives for the worse. Potential consequences of having a criminal record include being unable to rent an apartment, obtain employment or work credentials, gain admission to college or to programs that help pay for college, keep custody of one's children, access some government services, or vote in elections.² These avoidable consequences limit people's lives and ability to participate meaningfully in society and contribute to their communities.

SB0398 would protect people from the stigma of unexpunged convictions by automating parts of the expungement process. It would require the courts to remove from public view (including the judiciary case search website) all offenses that are eligible for expungement, without the necessity of the person whose case it is filing a request for expungement. This ensures that a "clean slate" is available not just in theory, but in practice for any Marylanders who are eligible.

It is for these reasons that I am encouraging you to vote **in support of SB0398 - Criminal Procedure – Automated Expungement.**

Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn

5401 Elsrode Avenue Baltimore MD 21214

Showing Up for Racial Justice Baltimore

¹ C. Chien, "America's Paper Prisons: The Second Chance Gap." *Mich. L. Rev.*, 119(3).
<https://doi.org/10.36644/mlr.119.3.america> Cited in The Clean Slate Initiative Resource Guide for Maryland Journalists,
<https://www.cleanslateinitiative.org/maryland>

² The People's Law Library of Maryland, "Expungement and Changing Your Criminal Record," <https://www.peoples-law.org/expungement-and-changing-your-criminal-record>; Maryland Alliance for Justice Reform, "Expungement"
<https://www.ma4jr.org/expungement/>

FINAL 2025 MD SB398 Testimony - Sarah Anderson.doc

Uploaded by: Robert Melvin

Position: FAV



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Testimony from:

Sarah Anderson, Associate Director, Criminal Justice & Civil Liberties, R Street Institute

Testimony in Support of MD SB 398: “Criminal Procedure – Automated Expungement (Maryland Clean Slate Act)”

February 5, 2025

Maryland Senate Judicial Proceedings Committee

Chairman Smith and members of the committee,

My name is Sarah Anderson, and I am the associate director of criminal justice and civil liberties policy at the R Street Institute, a nonprofit, nonpartisan public policy research organization. We engage in policy analysis and outreach promoting free markets, and limited, effective government in a variety of policy areas, including criminal justice and civil liberties issues. We have a particularly vested interest in creating a system that holds offenders accountable to their actions, yet still allows for successful rehabilitation and an opportunity to truly leave life’s mistakes behind when earned. This is why we have a strong interest today in Senate Bill 398, also known as the “Maryland Clean Slate Act.”

Under this proposed legislation certain criminal records would be automatically expunged after a designated amount of time has passed, depending on the offense, and provided the individual has satisfied all of the requirements of their case.¹ It is important to note that the bill does not require the physical destruction of the records, rather it shields them from public view. Expunged records remain available to certain government entities when necessary.

Specifically, the legislation would require the judiciary to identify and shield from public view the records of individuals who have non-convictions and/or arrests after three years have passed, as well as the records of individuals who have eligible misdemeanors after seven years have passed. Thereafter, the judiciary would be required to identify new eligible cases each month and notify the Department of Public Safety and Correctional Services, which would then shield these new eligible records within thirty days of the notification. This creates a perpetual automatic expungement process.

¹ Maryland General Assembly, 2025 Legislative Session, Senate Bill 398, Last Accessed January 31, 2025.
<https://mgaleg.maryland.gov/2025RS/bills/sb/sb0398E.pdf>

Research proves that individuals who remain crime free for five to seven years without further offenses, are no more likely to reoffend than those without a criminal record, making this legislation a sensible, evidence-based policy.^{2,3} Additionally, those who have arrest or non-conviction records and are innocent in the eyes of the law and of their peers should certainly not have records following them around.

To grasp the importance of shielding criminal records from the public after individuals remain crime-free for a set period, one must understand the lasting consequences and barriers faced by those with records, even years after completing their sentence.⁴ One of the greatest challenges faced by people with criminal records—affecting nearly 22% of Maryland's adult population—is the enduring hurdle to basic life necessities such as employment, housing, and education.⁵ In fact, there are more than 40,000 state and federal regulatory and legal restrictions that limit opportunities for those with criminal records with regards to employment, business and licensing, housing, and education, among other things.⁶ These create negative outcomes for those impacted. For example, 94 percent of employers use background checks when hiring, and an arrest or conviction record reduces the chances of a callback or job offer by nearly 50 percent.^{7,8}

While petition-based record sealing already exists in Maryland, it is severely underutilized.⁹ The novel aspect of this legislation is the automation of the process, so that everybody who is eligible will have their record sealed. Currently, while 40 percent of those with criminal records in Maryland are eligible for petition-based sealing, less than 2 percent of those eligible have obtained one, due to the onerous process or simply because they do not know they are eligible to have their record sealed.^{10,11}

² Alfred Blumstein and Kiminori Nakamura, "'Redemption' in an Era of Widespread Criminal Background Checks," *National Institute of Justice Journal*, 263 (June 2009). <https://www.ojp.gov/pdffiles1/nij/226872.pdf>

³ J.J. Prescott and Sonja B. Starr, "The Power of a Clean Slate," *Regulation* 43:2 (Summer 2020) pp. 28-34. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3474&context=articles>

⁴ Gary Hunter, "Destined to Fail: the Negative Effect of Collateral Consequence Laws," *Prison Legal News*, August 10, 2016.

<https://www.prisonlegalnews.org/news/2016/aug/10/destined-fail-negative-effect-collateral-consequence-laws/>

⁵ "Clean Slate in Maryland," The Clean Slate Initiative, 2025. <https://www.cleanslateinitiative.org/maryland#factsheet>

⁶ "A Re-Introduction to the National Inventory of Collateral Consequences of Conviction (NICCC) and the Clean Slate Clearinghouse," Bureau of Justice Assistance: National Reentry Resource Center, April 12, 2023.

<https://nationalreentryresourcecenter.org/multimedia/re-introduction-national-inventory-collateral-consequences-conviction-niccc-and-clean>

⁷ Ariel Nelson, "Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing," *National Consumer Law Center*, December 10, 2019.

<https://www.nclc.org/resources/report-broken-records-redux/>

⁸ Devah Pager, et al., "Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records," *American Academy of Political and Social Science*, 623:1 (May 2009), pp. 195-213.

<https://pubmed.ncbi.nlm.nih.gov/23459367/>

⁹ Jack Ford, "Maryland Clean Slate Act Proposed to Streamline Record Expungement Process," *WBOC*, February 21, 2024.

https://www.wboc.com/news/maryland-clean-slate-act-proposed-to-streamline-record-expungement-process/article_9590afea-d10a-11ee-b523-d3ed4fb4d74e.html

¹⁰ "Clean Slate in Maryland," The Clean Slate Initiative,

2025. <https://www.cleanslateinitiative.org/maryland#factsheet>

¹¹ "The Maryland Second Chance Expungement Gap," *Paper Prisons*, <https://paperprisons.org/states/MD.html>

This is why the automated sealing process set up in this bill is critical to achieving positive outcomes.

Comparable automated record sealing laws have been passed in 12 other states since 2018, and survey data indicates that those who have had their records sealed are already benefiting dramatically from the policy, particularly relating to factors that reduce reoffense rates, such as employment, housing, and education.^{12,13} Of those who received automated record relief in Michigan, Pennsylvania, and Utah, 42 percent report improvement in work, employment, personal finances, or public assistance, 24 percent report improvement in housing, and 22 percent report improvement in education. More holistically, 35 percent report improvement in personal and family relationships, and 34 percent report improvement in health, mental health, or self-esteem. All of these factors not only improve the lives of those with the criminal record, but also the lives of those around them, their broader community, and the state overall.

Senate Bill 398 offers a chance to bring the benefits of clean slate legislation to the state of Maryland. For all these reasons, we strongly support SB 398 and urge the committee to issue a favorable report.¹⁴

Thank you,

Sarah Anderson
Associate Director, Criminal Justice & Civil Liberties
R Street Institute
sanderson@rstreet.org

¹² “The Impacts of Clean Slate Laws in Pennsylvania, Utah, and Michigan,” The Clean Slate Initiative, October 30, 2024. <https://www.cleanslateinitiative.org/research-data-publications/yougov-survey-report>

¹³ Amy L. Solomon, et al., “Understanding the Challenges of Prisoner Reentry,” The Urban Institute, March 24, 2006. <https://www.urban.org/research/publication/understanding-challenges-prisoner-reentry>

¹⁴ Christi Smith, “The Pathway to Prosperity: How Clean Slate Legislation Enhances Public Safety and Stimulates the Economy,” *R Street Policy Study* No. 279, March 2023. <https://www.rstreet.org/research/the-pathway-to-prosperity-how-clean-slate-legislation-enhances-public-safety-and-stimulates-the-economy/>

MD 2025 Testimony - LC.docx.pdf

Uploaded by: Ryan Ewing

Position: FAV

Laura Chavez, Ph.D.
Director of Research and Data
The Clean Slate Initiative

Senate Judicial Proceedings Committee

Wednesday, February 5, 2025

Testimony in Support of SB 398 (Criminal Procedure-Automated Expungement)

To Chairman William C. Smith, Jr. and Members of the Committee:

My name is Dr. Laura Chavez, and I am the Director of Research and Data at The Clean Slate Initiative - a national non-profit whose mission is to work alongside states to streamline the record-sealing process and ensure that everyone who meets the requirements has eligible records sealed through an automated process. I am writing on behalf of The Clean Slate Initiative to express our strong support for Senate Bill 398, which aims to address and rectify the impact of past records on individuals and communities.

As of 2019, around 1 million adults in Maryland, or 22% of the adult population, have some form of a record.¹ Arrest and conviction records often present significant barriers to employment, housing, education, and social reintegration. Clean Slate legislation has proven to be an effective tool in addressing these challenges by allowing eligible individuals to have their records sealed through an automated process, giving them a fresh start.

In Maryland, only 2% of people with convictions eligible for sealing under the current petition-based system get relief. Under the current system, which is costly and difficult for an average person to navigate, it would take 86 years to seal all the eligible convictions.² **On day 1 of implementation, Clean Slate will provide full record clearance to 407,000 adults, or 40% of those with records in the state.**³

¹ The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: cleanslateinitiative.org/data-dashboard.

² Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "The Maryland Second Chance Expungement Gap", Paper Prisons Initiative.

³ The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: cleanslateinitiative.org/data-dashboard.



Twelve states have enacted Clean Slate laws, including neighboring states Delaware, Virginia, and Pennsylvania, and the positive impact on individuals and communities has been substantial. Implementing similar legislation in Maryland has the potential to significantly bolster public safety and stimulate economic growth.

Under the current system, the estimated aggregate annual earnings loss associated with convictions eligible for record sealing in Maryland is \$1.5 billion of taxable income, and this estimate does not include income loss for those with non-conviction or arrest records.⁴

In addition, Clean Slate can reduce racial disparities in Maryland. Black adults have higher conviction rates than white adults, and Clean Slate legislation would shrink this disparity by one-third.⁵

A recent survey of people with records in Pennsylvania, Utah, and Michigan which started implementing automatic record sealing in 2019, 2020, and 2023, respectively, indicates that those who have received relief are already experiencing improvements in their lives, particularly in employment. Nearly half (42%) reported improvement in work, employment, personal finances, or public assistance, 35% reported improvement in personal and family relationships, and 34% reported improvement in health, mental health, or self-esteem.⁶

The Clean Slate Initiative applauds the proposed creation of a state-initiated process to electronically expunge eligible arrests and conviction records. Maryland can lead in the pursuit of fairness and justice by implementing a process that operates at no cost to the record holder. If it does, those eligible for automated record sealing in the state can reap the proven benefits, particularly in terms of employment, which will add to the state's tax base.

The proposed timeline for implementing the law, starting on July 1, 2027, is pragmatic and aligns with the implementation timelines of other states working toward and

⁴ Chien, Colleen, Alyssa Aguilar, Navid Shaghaghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "The Maryland Second Chance Expungement Gap", Paper Prisons Initiative.

⁵ Ibid.

⁶ The Clean Slate Initiative (2024). "The Impacts of Clean Slate Laws in Pennsylvania, Utah, and Michigan." Available at: <https://www.cleanslateinitiative.org/2024-yougov-survey-report>

that have begun automatic record clearing. This timeline allows for the necessary adjustments in administrative processes and ensures a smooth transition to a more equitable system.

In summary, The Clean Slate Initiative urges the Judicial Proceedings Committee to support SB 398, recognizing the positive impact on the lives of individuals seeking redemption and reintegration into society.

Thank you for your time and consideration.

Sincerely,

Laura Chavez

lchavez@cleanslateinitiative.org

Attachments:

- CSI Maryland Fact Sheet
- CSI Data Methodology Overview
- The Impact of Clean Slate in Maryland
- Research Brief: Automatic Record Clearance Removes Barriers and Delivers Improvements for People with Records



CLEAN SLATE IN MARYLAND

WHAT ARE CLEAN SLATE POLICIES?

Clean Slate policies allow individuals to have certain arrest or conviction records automatically cleared. These policies offer people who have completed their sentences and remained crime-free the chance to move forward in their lives without the burden of a record.

Clean Slate policies involve automated or streamlined processes for identifying and clearing eligible records. The specific criteria and procedures may vary depending on the jurisdiction and the nature of the record.

Clean Slate policies primarily aim to tackle the enduring repercussions of a record, which often impede individuals from obtaining employment, finding suitable housing, accessing educational opportunities, and rebuilding their lives. **Through record clearance, people are offered a fresh start and face fewer barriers to opportunity due to their past.**

CLEAN SLATE MARYLAND COALITION MEMBERS



MARYLAND ALLIANCE FOR JUSTICE REFORM
Working to end unnecessary incarceration and building safe communities



CLEAN SLATE'S IMPACT IN MARYLAND

The Clean Slate Initiative analyzes legal system data at the state level, creating impact statements based on each state's proposed Clean Slate legislation. **Here are the Clean Slate impacts for Maryland:**

1 Million Adults in Maryland Have a Record



22% of MD's Total Adult Population has a Record

407,000 Adults with a Record in Maryland Could Have Their Record Fully Cleared



40% of Adults with a Record in MD Could be Eligible to Have Their Record Fully Cleared

This factsheet is prepared by:



CSI'S DATA METHODOLOGY

The Clean Slate Initiative (CSI) data dashboard methodology builds upon the approach used by [Shannon et al.](#) and the [Brennan Center for Justice](#). We apply conviction rates, recidivism rates, deportation rates, mortality/survival rates, and inter-state mobility rates to estimate how many unique people are impacted by a record (vs. the number of cases or arrests reported). See below for citations.

How We Calculated the Number of People with a Record by State*

**Sample data, not actual data, is represented below.*

| Year | State | Population Group | Total Arrests Reported to FBI UCR Program for Likely Misdemeanor Offenses (Adjusted for Under-Reporting Agencies) | Conviction Rate (Measures for Justice, US Dept. of Labor Statistics) | Recidivism Rate (Measures for Justice, US Dept. of Labor Statistics) | Mortality Rate (CDC Data) | Inter-State Mobility (US Census Data) | Deportations (ICE/Syracuse University TRAC Data excluding People Previously Deployed) | Estimated Population with a Record |
|--------------|------------|------------------|---|--|--|---------------------------|---------------------------------------|---|------------------------------------|
| 2017 | California | Latino | 200,000 | 70% | 37% | 1% | +3% | -30,000 | 59,937 |
| 2018 | California | Latino | 300,000 | 71% | 30% | 0% | +1% | -20,000 | 130,591 |
| 2019 | California | Latino | 400,000 | 72% | 19% | 0% | +2% | -10,000 | 227,946 |
| Total | | | | | | | | | 418,475 |

See “Where we got our information” section on the next page.

Where We Got Our Information



Bureau of Justice Statistics



| | Felony Convictions | Misdemeanor Convictions | Non-Convictions |
|---|---|--|--|
| Type of Data Used | State prison releases, felony probation admissions, and prison/probation recidivism rates published by the federal government | Arrests reported by local and state law enforcement agencies to the federal government, applying misdemeanor conviction and recidivism rates published by Measures for Justice and the Bureau of Labor Statistics | Felony and misdemeanor conviction rates published by Measures for Justice and the National Center for State Courts |
| Agencies/Entities Data was Sourced From | U.S. Bureau of Justice Statistics | U.S. Federal Bureau of Investigation, U.S. Bureau of Labor Statistics, State Arrests and Criminal History Data, and Measures for Justice | Measures for Justice and National Center for State Courts |
| Datasets Used to Produce CSI Estimates | <p>BJS National Corrections Reporting Program 1991-2019</p> <p>BJS National Prisoner Statistics Program 1978-1990</p> <p>BJS Annual Survey of Probation 1985-2018</p> | <p>FBI Uniform Crime Reporting Program 1995-2019</p> <p>Measures for Justice State-Level Misdemeanor Conviction and Recidivism Rates</p> <p>National Misdemeanor Conviction and Recidivism Rates, and Total Cases/Convictions per Person Estimated from the National Longitudinal Survey of Youth 2019</p> <p>Official arrests/criminal history data from TX, FL, IL and NYC</p> | <p>Measures for Justice State-Level Felony and Misdemeanor Conviction Rates</p> <p>National Center for State Courts Nationwide Felony and Misdemeanor Conviction Rates</p> |

Resources

Shannon, S. K., Uggen, C., Schnittker, J., Thompson, M., Wakefield, S., & Massoglia, M. (2017). The growth, scope, and spatial distribution of people with felony records in the United States, 1948–2010. *Demography*, 54(5), 1795-1818.

Craigie, T.A., Grawert, A., & Kimble, C. (2020). Conviction, imprisonment, and lost earnings: How involvement with the criminal justice system deepens inequality. Brennan Center for Justice at New York University.

Impacts of Clean Slate in Maryland

Today, only **2%** of people with convictions eligible for clearance under the existing petition-based system get relief. It would take **86 years** to clear all the eligible convictions under the current system.¹

This means that around **300,000** people in Maryland have conviction records eligible for clearance today and are not getting the relief.⁷

Clean Slate will automate the record-clearing process and provide full record clearance to **407,000** people with conviction and non-conviction records, clearing the backlog and providing additional people with opportunities.⁸

Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions is **\$1.5 billion** of taxable income, and this estimate doesn't include the income loss for those with non-conviction records.¹

Black adults have a higher rate of convictions than white adults⁹, and if all eligible conviction records were cleared as a result of Clean Slate, this disparity would shrink by one third.¹

⁷ Source: Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "[The Maryland Second Chance Expungement Gap](#)", Paper Prisons Initiative. Note: estimates are based on a 5% sample of individuals with criminal histories between 2000-2020 drawn from Maryland Electronic Courts (MDEC) as well as district and circuit courts.

⁸ Source: The Clean Slate Initiative data model. See: [Methodology Overview](#). Note: impact estimates take into account legislative parameters. Estimates of the populations with conviction and non-conviction records are through 2019.

⁹ The Clean Slate Initiative estimates that around 27% of Black adults and 22% of white adults have a conviction or non-conviction record in Maryland, using the methodology described above.

AUTOMATIC RECORD CLEARANCE REMOVES BARRIERS AND DELIVERS IMPROVEMENTS FOR PEOPLE WITH RECORDS

A Clean Slate Research Brief by [Dr. Laura Chavez](#)

People with records face substantial barriers that limit their participation in society, particularly in employment, housing, and education. Clean Slate laws address these challenges by automatically sealing eligible records for individuals who have completed their sentences and remained crime-free. Thus, the burden of clearance shifts from individuals to the state, eliminating the burden of navigating a complex, costly, and often inaccessible petition-based system.





This research brief draws on a recent [survey of 800 people with arrest and conviction records in Pennsylvania, Utah, and Michigan](#). The survey was developed by CSI in collaboration with Dr. Nyron Crawford, Associate Professor of Political Science at Temple University, and administered by YouGov. Here we highlight the economic, social, and psychological impacts of Clean Slate laws as revealed by the survey data.

Just a few years after passage, Clean Slate legislation is already benefiting people in Pennsylvania, Michigan, and Utah

Clean Slate laws have been passed in 12 states to date, including Pennsylvania in 2018, Utah in 2019, and Michigan in 2020. By 2024, 15 million people became eligible for full or partial record clearance across the 12 Clean Slate states,¹ and over 2 million are eligible for full or partial relief in Pennsylvania, Utah, and Michigan, which started clearing records automatically in 2019,

¹ See The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: cleanslateinitiative.org/data

There are a lot of reasons why people don't seek record relief.

- 
 "Because it cost[s] a lot of money in my state last I checked."
- 
 "Financially, I could not afford a lawyer to get it done."
- 
 "Too complicated, costly, unsure of the routes to take."
- 
 "At first I wasn't aware that I could. After that it was because I didn't know anything about the process, how to get started, or if I would even be eligible to do so."

 This data is from a survey of people with records in MI, PA, and UT. More info: cleanslateinitiative.org/2024-young

2020, and 2023, respectively. Many of these records are over 10 years old,² so very real questions existed among lawmakers, advocates, and directly impacted people as to whether the clearance of decades-old records would deliver tangible benefits.

The survey data clearly indicate that those eligible for automatic record clearance are already experiencing real improvements in their lives.

Unlike petition-based systems, where individuals must

navigate complex legal procedures, pay fees, and often require legal assistance to clear their records, Clean Slate laws remove these barriers by automating the process. This is particularly significant because studies show that only a small fraction of those eligible ever file petitions for records clearance.³ The reasons are clear: the petition-based process is often prohibitively difficult, expensive, and inaccessible for many, especially those already burdened by the economic and social consequences of having a record.

By shifting the burden to the state, Clean Slate laws ensure that relief reaches all eligible individuals, including those who may not even know they qualify. This automatic process eliminates the need for legal intervention, democratizing access to record clearance and delivering benefits to people who would otherwise remain trapped by their past. The data show

² In Pennsylvania, the passage of "Clean Slate 3.0" expanded eligibility for automatic sealing in 2024 to include some non-violent felony convictions, which can become eligible for sealing after 10 years, and many misdemeanor convictions may be sealed after 7 years. Summary convictions can be sealed after 5 years (see: www.mycleanslatepa.com). In Michigan, some felony convictions are eligible for automatic set aside after 10 years, and many misdemeanor convictions are eligible after 7 years (see: <https://www.michigan.gov/msp/services/chr/conviction-set-aside-public-information/michigan-clean-slate>). And, in Utah, misdemeanor convictions are eligible for automatic expungement after 5 to 7 years (see: www.cleanslateutah.org).

³ See: Chien, Colleen. "America's paper prisons: The second chance gap." *Michigan Law Review* (2020): 519-611. See also: Prescott, J.J. and S. Starr. (2020). Expungement of Criminal Convictions: An Empirical Study. *Harvard Law Review*. 133(8): 2460-555.



that people with automatically cleared records report improvements in employment opportunities, family relationships, and mental health, showing that Clean Slate's systemic approach can be more effective at providing relief and helping people rebuild their lives than the traditional petition-based system.

In this survey of people with records, nearly half (46%) of those who had a criminal record sealed, expunged, or set aside had their record cleared *automatically*.

Respondents felt that they had benefited personally from record clearance and that they would continue to benefit in the future.

- Over one-third (38%) of those whose records were cleared automatically agreed that they had already benefited or would likely benefit from Clean Slate laws.
- 36% of Black people agreed they know someone who has already benefited or will likely benefit in the future.

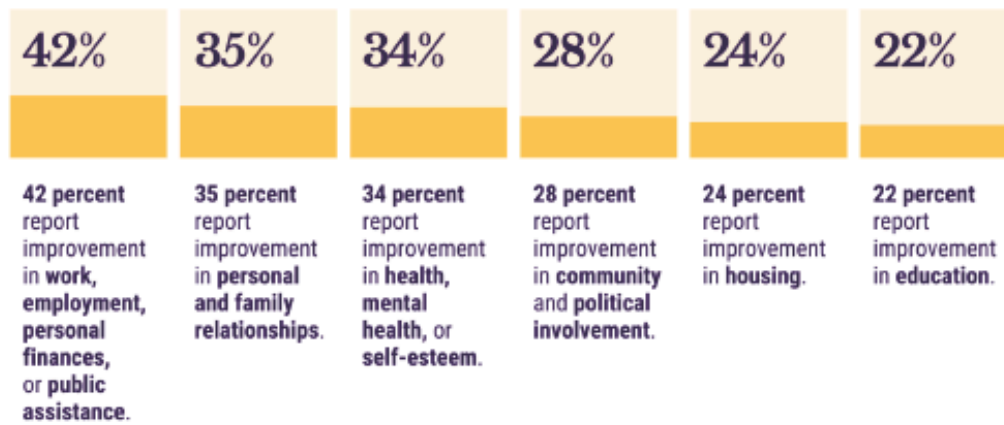
People who know their records have been cleared automatically report improvements, especially in employment, family relationships, and mental health

Research demonstrates that when people's records are cleared through a petition-based process, their earnings increase by over 22% in the first year.⁴ Yet even with this research, the question remained as to whether this same benefit is realized by people who don't have to take action to clear their

⁴ See: Prescott, J.J. and S. Starr. (2020). Expungement of Criminal Convictions: An Empirical Study. *Harvard Law Review*. 133(8): 2460-555.

Clean Slate's Impact

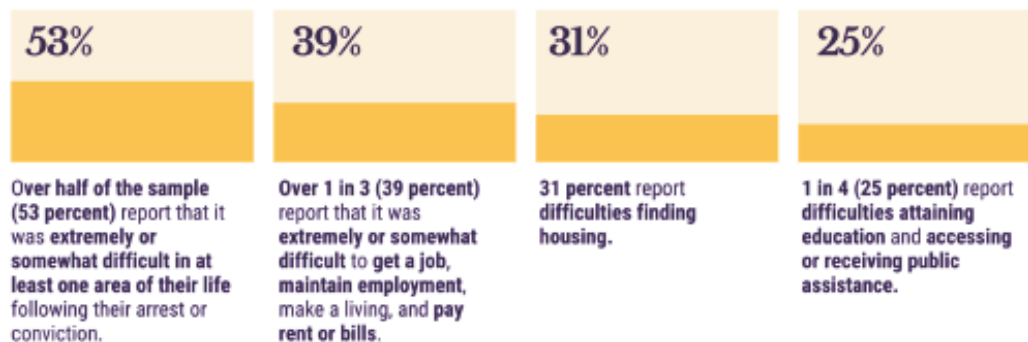
People who **received automatic record relief report improvements**, particularly economic.



This data is from a survey of people with records in MI, PA, and UT. More info: cleanslateinitiative.space/2024-people

records. In addition, it has been unclear whether someone would even know if their record had been cleared when the process happens automatically by the government. Directly impacted respondents in three states that have recently passed and implemented Clean Slate laws, thus clearing millions of people's records automatically, report overwhelming improvements in a wide range of life factors.

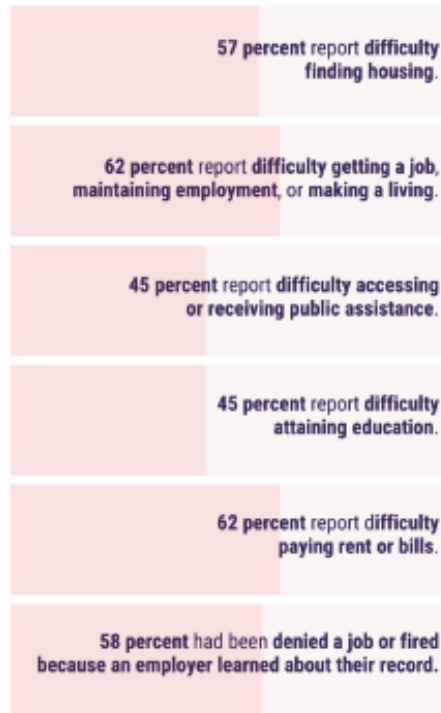
People with records face economic hardships due to their arrest or conviction.



This data is from a survey of people with records in MI, PA, and UT. More info: cleanslateinitiative.space/2024-people

People with felony convictions face the most barriers.

Over 3 out of 4 (77 percent) of respondents with felony convictions report that it was **extremely or somewhat difficult** in at least one of these areas following their record.



This data is from a survey of people with records in ME, PA, and UT. More info: <https://cleanslateinitiative.org/2024-06-01/>

Even small improvements really matter when people with records face major barriers

There are over 42,000 laws and regulations that make having a record an ongoing burden. Over half of the people surveyed (53%) report that it was extremely or somewhat difficult in at least one area of their life following their arrest or conviction.

Barriers are even more significant for people with felony convictions. Among respondents with felony convictions, well over half (58%) had been denied a job or fired because their employer learned they had been arrested or convicted, and another 9% responded “maybe.”

About The Clean Slate Initiative

The Clean Slate Initiative (CSI) passes and implements laws that automatically clear eligible records for people who have completed their sentence and remained crime-free and expands who is eligible for clearance.

CSI's vision is that people will no longer be defined by their records and will have the opportunity to contribute to their community, have a fair opportunity to work, get an education, and achieve their full potential.

Acknowledgments

We would like to extend our sincere gratitude to the individuals who made this report possible.

Special thanks to members of our Board of Directors, Daryl Atkinson, Co-Director and Co-Founder of Forward Justice, and Mindy Tarlow, Senior Fellow and Research Professor at the New York University Marron Institute of Urban Management, for their support and guidance throughout the survey development process.

We are immensely grateful to Dr. Nyron Crawford, Associate Professor of Political Science at Temple University, for his invaluable assistance in creating the survey, analyzing the data, and providing critical insights throughout this project. We also acknowledge Dr. Laura Chavez for her dedication and hard work in leading this project.

Without the collective efforts of these individuals, this comprehensive analysis of the impacts and awareness of Clean Slate laws in Pennsylvania, Utah, and Michigan would not have been possible.

SB 398 and HB 545_Support_Flagger Force, Shea Zwer

Uploaded by: Shea Zwerver

Position: FAV



February 3, 2025

**Support– Senate Bill 398 (McKay)
and House Bill 545 (Moon, Bartlett, Crutchfield, Kaufman, and Williams)
Criminal Procedure – Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of
2025)**

Dear Members of the Judiciary Committee,

As the Workforce Development and Public Affairs Manager of Flagger Force, I write to you in support of HB.398 and SB.545 – known as the Clean Slate Act. These bills have the ability to expand Maryland’s workforce, diversify the talent pool, and provide meaningful career opportunities to thousands for whom criminal records pose a barrier to employment.

Flagger Force is a leading provider of short-term traffic control, operating throughout the eastern United States and providing full-time employment to over 2,300 individuals, including 400 Marylanders. We believe everyone deserves the dignity of work, and for that reason, we strongly support Clean Slate legislation in Maryland.

Approximately one million people, or 22% of Maryland’s adult population, have some form of criminal record. While an estimated 400,000 of those Marylanders are currently eligible to have their records cleared, the existing petition-based system is a bureaucratic maze, leaving our neighbors without the relief and economic opportunities they deserve. The costly, complex, and time-consuming process makes it virtually inaccessible – studies indicate that [less than 5%](#) of individuals nationwide go through the available petition processes.

We cannot overstate the effects of fair chance hiring and the access to opportunities it leads to for those with criminal records. Formerly incarcerated individuals face over [40,000 barriers](#) to meaningful re-entry, and are unemployed [at a rate of over 27%](#). Not only would Clean Slate have immediate economic benefits – it would also contribute to enhanced public safety. Individuals who had their records cleared are [less likely to commit a new offense](#) than the general population.

Working towards a more equitable and inclusive future means giving people a real chance. By doing so, we will undoubtedly strengthen the workforce, the economy, and communities across Maryland. Flagger Force strongly supports H.B.398 and S.B.545, and I urge the Committee to approve this critical legislation.

Contact:

Shea Zwerver
Public Affairs and Workforce Development Manager
717.482.8833
Shea.Zwerver@FlaggerForce.com

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Automatic Sealing submission.pdf

Uploaded by: Tavon Partlow Sr.

Position: FAV

Governor's Expungement Bill for Automatic Sealing

Dear Chair Smith and the Judicial Proceedings Committee,

My name is Tavon Jamaal Partlow Sr., and I am a resident of District 41. I am writing in support of SB 398, Automated Expungement. This bill automatically hides all expungable misdemeanors from public view in electronic court records.

I believe criminal record expungements are important because they offer individuals a chance to rebuild their lives without the constant burden of their past mistakes. Having the ability to expunge or seal a criminal record allows individuals who have served their time and worked hard to change their lives to be free from the lifelong stigma that a criminal record imposes. This opportunity for redemption is crucial, as it helps those who have paid their debt to society to fully reintegrate and access essential opportunities such as employment, education, and housing. Expungement is not about erasing history but rather giving individuals the tools to overcome past mistakes and contribute meaningfully to society.

I believe individuals do not pursue expungements because they often face significant obstacles, such as lack of awareness, fear of the process, or doubts about the potential for success. Many individuals may not know that expungement is an option, or they may be discouraged by the legal complexities and perceived difficulties in clearing their record. My story and many like me shows, overcoming these barriers can be a long and difficult journey, but with the right legislative changes, like those proposed in SB 398, more people would have access to the opportunity to move forward. By making the expungement process more accessible and automatic, we can empower individuals to leave their past behind and start anew, ultimately benefiting both the individuals and society as a whole.

For that reason, I believe the expungement and sealing process should be as automatic as possible to make sure that everyone who can benefit from the law does.

I urge a favorable report.

Sincerely,

A handwritten signature in black ink, consisting of stylized initials 'TJP' followed by a vertical line and a small flourish.

SB0398_FAV_OFJ.pdf

Uploaded by: Trina Selden

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 398

Criminal Procedure - Automated Expungement

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

DATE: February 5th, 2025

FROM: Christopher Dews, Policy Consultant

Out for Justice, Inc. (OFJ) is an organization comprised of individuals directly and indirectly impacted by the criminal legal system. We advocate for reforming policies and practices that adversely affect successful reintegration into society. OFJ supports Senate Bill 398, which would 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](#) (pg.33). 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](#) (pg.20), 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 returns to Baltimore City, where OFJ's member base is the strongest. Our district contains one of the highest concentrations of returning citizens in the state, making criminal record expungements a critical access point for re-entry.

The Maryland General Assembly has passed a variety of expungement access reforms, including 2016's [Justice Reinvestment Act](#), which allowed many misdemeanors and a few felonies to be eligible for expungement, and 2023's [REDEEM Act](#), which cut the criminal record expungement waiting periods in half. These bills, in combination, were incredibly beneficial for our members, allowing millions to access employment, housing, licensing, and more. However, [MVLS data show that only 2% of people with convictions eligible for expungement pursued an expungement](#). We estimate this is due to backlogs within the courts or the individual simply not knowing they are eligible. Our partners at the Office of the Public Defender, Maryland Legal Aid, Maryland Volunteer Lawyers Service, Baltimore Action Legal Team, and others have done exceptional work hosting expungement clinics to assist our members. Still, the automated process listed in Senate Bill 398 would save time and energy for all parties involved.



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. OFJ fully supports efforts to remove barriers to employment, education, housing, and more for Marylanders with records. For these reasons, we respectfully urge a favorable report.

SB398

Uploaded by: Ufuoma Agarin

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401
410-841-3185 • 301-858-3185 • 800-492-7122 Ext. 3185 • Fax 410-841-3175 • 301-858-3175 • Black.Caucus@house.state.md.us

February 5, 2025

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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

2025 Clean Slate Bill SACC Support.pdf

Uploaded by: william Chambers

Position: FAV



February 3, 2025

Dear Members of the Judicial Proceedings Committee,

As the President and CEO of the Salisbury Area Chamber of Commerce, I write to you in support of SB.398 and HB.545, known as Clean Slate Maryland. These commonsense bills would provide much-needed relief not only to our fellow Marylanders with eligible criminal records, but also to our employers, workforce, and economy.

The Salisbury Area Chamber represents over 700 businesses and organizations throughout the Eastern Shore, including those in agriculture, finance, healthcare, education, hospitality, manufacturing, pharmaceuticals, and more. Our membership is made up of 80% small businesses, the backbone of our state's economy. Our mission is to serve our members' interests through business advocacy, connections, education, and promoting economic development for the whole region. For that reason, the Salisbury Area Chamber strongly supports the passage of Clean Slate in Maryland.

There are approximately one million adults in Maryland with some form of a criminal record, and many of whom face significant barriers to employment. Meanwhile, employers across the state continue struggling to fill open positions. Classified by the [U.S. Chamber of Commerce](#) as having one of the most severe labor shortages in the country, it's imperative that we start taking steps to help rebuild our workforce. By automating the record clearing process for certain misdemeanors, Clean Slate is able to do just that. An estimated 400,000 Marylanders are already eligible to have their records cleared and will be able to reenter the workforce, allowing our local businesses to tap into an expansive and diverse talent pool.

Providing a clean slate will not only benefit the workforce, but also our overall state economy. Recent studies indicate that underemployment related to imprisonment or conviction reduces people's wages nationwide by [as much as \\$372.3 billion annually](#). Similarly, it's been estimated that the U.S. loses roughly [\\$87 billion a year](#) due to the underemployment of formerly incarcerated individuals. As we continue to work towards a more prosperous Maryland, it's critical that we help our citizens prosper first. It's time to get our hard-working Marylanders back to work and allow them to contribute their money back into our local businesses and economies.

The Salisbury Area Chamber of Commerce is proud to represent the interests of hundreds of businesses across Maryland, and we believe that Clean Slate is an innovative solution to the needs of our business community and beyond. Our fellow Marylanders are in need of stable, sustainable employment and our local businesses are in need of qualified employees. SB.398 and HB.545 present a unique opportunity for the legislature to clear a path towards a more equitable and prosperous Maryland for all its residents and local businesses.

Sincerely,

William R. Chambers
President/CEO
Salisbury Area Chamber of Commerce

SALISBURY AREA CHAMBER OF COMMERCE
The Voice for Business on Delmarva

SB398_FAV_CFUF.pdf

Uploaded by: Zachary Alberts

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 398

Criminal Procedure - Automated Expungement

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

DATE: February 5th, 2025

FROM: Zachary Alberts, Director of Advocacy & Strategic Initiatives

The Center for Urban Families (CFUF) advocates for legislative initiatives that strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports Senate Bill 398, which would 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](#) (pg.33). 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](#) (pg.20), 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 returns to Baltimore City, where CFUF does its work. Our district contains one of the highest concentrations of returning citizens in the state, making criminal record expungements a critical access point for re-entry and employment.

The Maryland General Assembly has passed a variety of expungement access reforms, including 2016's [Justice Reinvestment Act](#), which allowed many misdemeanors and a few felonies to be eligible for expungement, and 2023's [REDEEM Act](#), which cut the criminal record expungement waiting periods in half. These bills, in combination, were incredibly beneficial for our members, allowing millions to access employment, housing, licensing, and more. However, [MVLS data show that only 2% of people with convictions eligible for expungement pursued an expungement](#). We estimate this is due to backlogs within the courts or the individual simply not knowing they are eligible. Our partners at the Office of the Public Defender, Maryland Legal Aid, Maryland Volunteer Lawyers Service, Baltimore Action Legal Team, and others have done exceptional work hosting expungement clinics to assist our members. Still, the automated process listed in Senate Bill 398 would save a lot of time, energy, and financial resources for all parties involved.

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. CFUF fully supports efforts to remove



HELPING FATHERS AND FAMILIES WORK

barriers to employment, education, housing, and more for Marylanders with records. For these reasons, we respectfully urge a favorable report.

SB 398.pdf

Uploaded by: John Cox

Position: UNF

Bill Number: SB 398
Maryland States Attorneys Association
Opposed

WRITTEN TESTIMONY OF THE MARYLAND STATES ATTORNEY'S ASSOCIATION
IN OPPOSITION TO SENATE BILL 398
CRIMINAL PROCEDURE-AUTOMATED EXPUNGEMENT

The Maryland State's Attorney's Association is opposed to Senate Bill 398 – Criminal Procedure – Automated Expungement and asks for an unfavorable report. This proposed legislation would create an undue and unworkable burden on the Judiciary and would be contrary to the current intent of the Expungement statutes as they exist.

Senate Bill 398 attempts to direct the automatic expungement of crimes under both Criminal Procedure Sections 10-105 and 10-110 when the charge is “eligible” and sets a time frame from the time of “disposition” of the charge.

CP Section 10-105 has existed in substantively it's current form for decades and provides for the expungement of non-convictions including Probation Before Judgment (PBJ). Three years are generally required to pass before an expungement can be granted for a PBJ. Although “eligible” the charged person would not be “entitled” to the expungement if the individual was subsequently convicted of another offense or is at the time a defendant in a pending case.

Through the Justice Reinvestment Act in 2016, the General Assembly extended expungement opportunity to guilty findings in a large number of misdemeanors and some felonies. The Legislature set time frames for eligibility from the conclusion of the sentence and despite eligibility, the Legislature also provided the State the opportunity to oppose an expungement if doing so in a particular case would pose a risk to public safety and/or would not be in the interest of justice.

Senate Bill 398 eliminates the ability of anyone to assess actual entitlement to expungement beyond eligibility. The Judiciary is not equipped or able to assess whether the individual has subsequently been convicted or is pending charges in this or any other State. If they could do so, the burden would be oppressive. In addition, there is no provision for the Judiciary to be deciding any issue regarding a risk to public safety or the interests of justice without holding a hearing in each case and hearing from advocates.

Under the current statutory structure, the respective State's Attorney's Office is given the opportunity to look into a request for expungement to determine if the individual should not be granted an expungement. Sometimes that is easy in finding subsequent offenses but also includes an opportunity to look at the individual circumstances of the case. CP 10-110 has a wise requirement that the expungement request be given an assessment “that giving due regard to the nature of the crime, the

history and character of the person, and the person's success at rehabilitation, the person is not a risk to public safety" and "that an expungement would be in the interest of justice". There are unquestionably some convictions which would be "eligible" for expungement where expungement would be contrary to public safety or the interest of justice. That is why the Legislature wisely inserted this possibility within the expungement statutes.

In addition, the revisions to Section 10-110 set time limits from "disposition". Although disposition is not defined in the Bill, the word is commonly used in the criminal justice field as the time of sentencing. It is unclear if the legislation will change the time period for expungement from what currently starts to run at the satisfactory conclusion of the sentence. If it does, it could create a scenario where the individual would have their conviction expunged while they are still serving the sentence for the now expunged case. This cannot be the intent.

Expungement of eligible convictions for those who have demonstrated they have changed their lives and will benefit from a clean record to move on with their lives is a worthy aim which the Legislature has already put in place. We ask for an unfavorable report.

MCPA-MSA_SB 398 _Automated Expungement - Convictio

Uploaded by: Samira Jackson

Position: UNF



Maryland Chiefs of Police Association Maryland Sheriffs' Association



MEMORANDUM

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

FROM: Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 5, 2025

RE: **SB 398 Criminal Procedure – Automated Expungement**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 398. This bill requires the Department of Public Safety and Correctional Services and the Judiciary to automatically expunge all cases in which all charges are eligible for expungement under Section 10-105 of this subtitle, if at least three (3) years have passed since the disposition of this case. This bill also requires expungement of all cases that fall under Section 10-110 of this subtitle, if the charge is a misdemeanor other than a domestically related crime or second-degree assault and if seven (7) years have passed since the disposition of the case.

MCPA and MSA, while understanding the desire to provide a second chance for persons in certain circumstances, generally oppose legislation that increases the categories or timeframes for expungement because it could interfere with the necessary access to prior criminal information. In some instances, this could be a safety factor for law enforcement personnel in carrying out their official duties. Furthermore, individuals who are the subject of the charges would not have to petition for the expungement. Rather, the Department and the Judiciary would review the criminal history record information on file monthly for automated expungement eligible charges. This places a burden on the Department and the Judiciary, as opposed to the individual, to seek out eligible cases. Lastly, while a "prosecuting agency" may feel compelled to object to an eligible expungement, the prosecuting agency will not have an opportunity as the expungement will automatically be granted.

Each year, several pieces of legislation are introduced that seek to adjust the considerations and time frames under which expungement, pardons, or shielding can be sought. MCPA and MSA believe such changes require participation and input from the judiciary, prosecutors, and law enforcement and, rather than being dealt with in a piecemeal manner, should be addressed

comprehensively in a process that involves all stakeholders and in a setting that is conducive to reasonable solutions while, at the same time, not affecting public safety.

For these reasons, MCPA and MSA **OPPOSE SB 398** and urge an **UNFAVORABLE** Committee report.

sb398.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
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P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 398
Criminal Procedure – Automated Expungement
DATE: January 29, 2025
(2/5)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes Senate Bill 398, as drafted. The Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters, but notes issues of concern with operational aspects of the bill as drafted.

The use of the term “disposition” on page 2, lines 12 through 14, is unusual in that it is not specifically defined and differs from the current law’s standard of “completion of sentence.” It is unclear if the intent is to allow for an expungement in instances in which a court has disposed of a case in any way or only after an individual has completed their sentence. The term disposition could be used in instances in which the court has issued an order but the case or sentence remains outstanding, such as cases where there is an outstanding warrant or cases in which a consecutive sentence was imposed. Calculating the time from disposition in those instances is unclear under the current draft.

This bill would also have a significant operational impact on the Judiciary. The identification of eligible dispositions would require a manual review by the Judiciary and the statute does not provide a mechanism to make such eligibility determinations. Clerks are generally unable to make such legal determinations and, as such, it would require judicial review. This would require an individual judicial review in each instance given

the multi-step eligibility determination provided in the legislation. Moreover, the identification process for eligible charges will be complex for any case with more than one charge requiring a multi-point verification on eligible cases due to the exceptions listed in Criminal Procedure section 10-105. Another complexity arises with the need for different reports based on the types of charges involved in a case. For example, if a case contains both criminal charges and a Driving Under the Influence (DUI), the DUI is not eligible for 15 years. Programming would need to evaluate if a DUI exists as a related charge, and then make that the "lead" charge for the sake of expungement.

Finally, if this legislation is interpreted to apply to historical charges, this legislation would result in a substantial increase in the number of expungements, which would require additional staffing. There will be a significant operational impact on the clerk's office to manually review eligible cases to make sure all eligibility criteria are met prior to an eligibility determination. There will also be a significant operational impact on judges to make final eligibility determinations to produce the required monthly report.

cc. Hon. Mike McKay
Judicial Council
Legislative Committee
Kelley O'Connor

2025-02-5 SB 398 - Support in Concept.pdf

Uploaded by: Adam Spangler

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

February 5, 2025

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 398 – Criminal Procedure - Automated Expungement–
Support in Concept

The Office of the Attorney General (OAG) supports the intent of **Senate Bill 398**, introduced by Senator Mike McKay, which aims to improve access to sealing criminal records. This legislation clarifies that expungement simply means hiding records from public view and does not mean physically obliterating records or redacting physical or electronic documents, media, or recordings. Second, the bill changes the expungement regime from a situation where the defendant files for expungement to a situation where the court automatically expunges offenses. These automatic expungements would happen: 1) after 3 years for probation for, inter alia, probations before judgment and public nuisance crimes or 2) after 7 years for a misdemeanor that is neither second degree assault nor marked as domestically related.

Criminal records can create significant barriers to employment, housing, education, public assistance, family reunification, and the opportunity to build good credit. For many individuals with a justice-involved background, having a record can result in lifelong restrictions, preventing them from accessing resources necessary for achieving stable futures for themselves and their families.

Record expungement is an effective solution for removing barriers to opportunities for justice-involved individuals and their families. While there are current petition-based record clearance measures in Maryland law, these options often leave many eligible individuals behind. Many people are unaware that they qualify for record-clearing, while others find it challenging to navigate the expensive and complicated process of filing a record-clearing petition in court. This often requires hiring a lawyer and taking time off work to appear in court, leading to thousands of

dollars in legal bills and court costs. Additionally, the courts face the burden of processing each petition individually, which strains valuable judicial resources.

Senate Bill 398 will implement a system that automatically seals eligible records with technology and will ensure that everyone who qualifies for record-clearing gets the fresh start they've earned—regardless of whether they can afford a lawyer and expensive court fees and without navigating a complex court process.

The OAG supports the intent of this legislation and urges the Committee to issue a favorable report on **Senate Bill 398**.

cc: Judicial Proceedings Committee Members