

CFH FAV SB432 Expungement Reform Act of 2025.pdf

Uploaded by: Adam Rosenberg

Position: FAV



Date: February 5, 2025

To: Chair Smith, Vice Chair Waldstreicher and the Judicial Proceedings Committee

Reference: Senate Bill 432 –Criminal Records–Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

Position: FAVORABLE

Dear Chair Smith and Committee Members:

On behalf of LifeBridge Health’s regional health system and our Center for Hope, we thank you for this opportunity to provide information on Senate Bill 432. Center for Hope provides intervention and prevention for: child abuse, domestic violence, community violence, and elder justice for survivors, caregivers, and communities. A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the ¹[estimated 25% of working-age Marylanders with a record](#) (pg.26). 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. ²[Over 60 percent of formerly incarcerated persons remain unemployed](#) one year after release. This is mainly because more than ³[85% of employers perform background checks on all of their job applicants](#) and deny employment to many returning citizens based on a record. Thus, access to criminal record expungement is necessary to reintegrate into society properly.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. Most charges are not eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Center for Hope fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland for those that have completed their time served and met all restitution that applies.

For all the above stated reasons, we request a FAVORABLE report for Senate Bill 432.

For more information, please contact:

Adam Rosenberg, Esq.

Executive Director, Center for Hope

Vice President, Violence Intervention & Prevention, LifeBridge Health

arosenberg@lifebridgedhealth.org

Phone: 410-469-4654

<https://thedailyrecord.com/2022/01/19/baltimore-co-sheriffs-deputy-got-unusual-perks-with-plea-deal-in-detainee-rape-case/>

[https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp§ion=10-105&enactments=False&archived=False#:~:text=%C2%A0\(9\)%C2%A0%C2%A0%C2%A0%C2%A0A%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.](https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp§ion=10-105&enactments=False&archived=False#:~:text=%C2%A0(9)%C2%A0%C2%A0%C2%A0%C2%A0A%20court%20may%20grant%20a%20petition%20for%20expungement%20at%20any%20time%20on%20a%20showing%20of%20good%20cause.)

2025 MGA Testimony Rules (3).pdf

Uploaded by: Adonis Adkins

Position: FAV



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NEW Testimony Rules in Annapolis (1/7/25)

What follows is an explanation of the new process and everything you need to know about submitting testimony.

Here's what you will need to testify:

1. Valid Email Address
 - a. You **MUST** enter a valid email address that *you* can access as this is how you will receive the Zoom link to get into the hearing to testify.
2. A MyMGA Account
 - a. You can register for a MyMGA Account using this [link](#).
 - b. A step-by-step video tutorial can be found [here](#).
3. Access to a Personal Zoom Account
 - a. You can register for a free Zoom account using this [link](#).
 - b. You can log into Zoom from most PC or mobile devices with audio and video access.

NEW SENATE & HOUSE RULES

Signing up to Testify:

Testimony must be submitted to the committee **(2) two business days in advance from *your* MyMGA Account AND from the hours of 8am - 6pm**. Late testimony *will not* be considered by the committee. Here's how to sign up:

1. Log in to your [MyMGA Account](#).
2. Click "Witness Sign-Up" on the options box on the far left side of the screen.
3. If it is between 8am - 6pm on a business day, you should see a list of bills you can testify on in order of committee and bill number.
 - a. **REMEMBER-** You can only submit testimony two business days before the bill hearing and only from 8am - 6pm. Anytime outside that window will render you unable to sign up for that bill.
4. Search for the bill you would like to submit testimony for:

For further information, contact:

Christopher Dews / Assistant Vice President / cdews@cgagroup.com / 301-412-5399



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- a. Once found, click the small checkbox to the left of the bill number. You should now see a check in the box signifying that you are signing up for this bill.
 - b. Select a “position” from the drop-down menu (FAV, UNF, FWA, None)
 - c. Select the type of testimony (Oral, Written, Both)
 - d. Click “Upload File” to upload your written testimony and any other files you want to add for the committee's consideration.
 - i. NOTE: Written Testimony MUST be uploaded in a PDF Format.
 - ii. You can upload up to 10 files per hearing.
5. Click “Save”
- a. Once you have clicked “Save”, you are all set.
 - b. You can click “Signed Up Items” to see all the bill hearings you signed up for, your position on the bill, the type of testimony, and the files you uploaded.
 - i. If it is still between the 8am - 6pm window *and* two business days in advance of the hearing, you can still edit your stance and any documents you have uploaded. If that 8am - 6pm window has passed, you *cannot* make changes.

A step-by-step video tutorial of the testimony sign-up process can be found [here](#).

FINAL NOTE: You can only submit oral testimony on your behalf and *NOT* on behalf of someone else. If you attempt to submit multiple testimonies on behalf of several coalition members, *each coalition member* will need their own MyMGA Account if they want to submit oral testimony and speak at the hearing. You can, however, submit written testimony on their behalf (but you can only upload 10 written documents per hearing.)

For further information, contact:

Christopher Dews / Assistant Vice President / cdews@cgagroup.com / 301-412-5399

SB432 Adrian Muldrow

Uploaded by: Adrian Muldrow

Position: FAV

3/3/2025

Written Testimony – SB0432- Hearing 3/4/2025

Greetings, my name is Adrian Muldrow, and I was born and raised in Baltimore City. I support SB0432 because, like many Marylanders, I have made mistakes and have had encounters with the criminal justice system. I am still affected by a wrongful conviction. Although lawmakers passed a bill in 2021 called the Walter Lomax Act, which aims to restore justice for the wrongly accused, I had to represent myself pro se because there were no attorneys familiar with the law who would take on my case.

Without legal counsel and no provisions in the law to provide representation or a point of contact for support, I was left to navigate the process on my own. I filed for compensation under the Walter Lomax Act as a layman, but I was outmatched by the legal system, which created even more barriers. This experience forced me to relive the trauma I was trying to escape.

Similar to the "Ban the Box" initiative, there is a Maryland Criminal Record Complaint Form that can be submitted to the Department of Labor, Licensing, and Regulation, but it lacks enforcement power. I filled out this form when my record was pulled by the Maryland Lottery, but nothing was done, and as a result, I am currently unemployed. With the rise of AI screening and HR screening processes, my situation has only worsened.

I have two questions:

1. Who will enforce these laws? Will there be attorneys available, and will there be fee waivers for court costs?
2. Who will be responsible for handling requests related to violations of these new laws?

Respectfully Submitted ,

Adrian Muldrow

iamadrianmuldrow@gmail.com

443-546-5639

LPP_SB_432_Support.pdf

Uploaded by: Adrian Rocha

Position: FAV



Testimony from Adrian Rocha
Director of Policy
Last Prisoner Project

RE: Support for SB 432, Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

February 5, 2025

Dear Members of the Judicial Proceedings Committee,

A criminal record can create barriers to employment, housing, political participation, public assistance, education, and more.¹ According to a study conducted by the Center for Economic and Policy Research, the United States loses about \$78 to \$87 billion in annual gross domestic product (GDP) because of the consequences and barriers associated with having a criminal conviction.² Other factors are less quantifiable but no less impactful, like the potential disruption of an educational trajectory or the loss of specialized skills over time.

The potential benefit of expungement reform in terms of sheer numbers is notable. According to the U.S. Department of Justice, an estimated 70 to 100 million adults in the United States³ face nearly 45,000 separate collateral consequences⁴ that exist throughout federal and state laws and regulations, and further consequences may be imposed at the municipal and county levels.

At Last Prisoner Project (LPP), we have designed, advised, written, and helped implement nearly a dozen criminal record clearance laws nationwide. All too often, we have encountered record clearance laws whose various procedural hurdles are considered key features intentionally designed to be onerous for the petitioner under the guise of promoting public safety by limiting relief to those who have the time, resources, and ability to navigate the varying laws that determine eligibility. However, research demonstrates that record clearance does not create a risk to public safety.⁵ In fact, clearing records may support public safety by increasing access

¹ Catherine E. Lhamon et al., *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. COMM’N ON C.R. 2-3, June 2019, <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf>

² Barber, Alan & Bucknor, Cherrie, *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*, The Center for Economic Policy and Research, <https://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>

³ Catherine E. Lhamon et al., *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, U.S. COMM’N ON C.R. 2-3, June 2019, <https://www.usccr.gov/files/pubs/2019/06-13-Collateral-Consequences.pdf>

⁴ National Inventory of Collateral Consequences of Conviction, <https://niccc.nationalreentryresourcecenter.org/consequences> Jan. 25, 2022.

⁵ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2467, June 2020, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3167&context=articles>.

to jobs, housing, and educational opportunities that promote community re-integration and stability.⁶ Empirical data from a recent study demonstrates that five years after receiving record clearance, individuals were less likely than members of the general public to engage in criminal conduct.⁷

SB 432, the Expungement Reform Act of 2025, seeks to make common-sense changes to the expungement procedure by relaxing bureaucratic barriers to obtaining criminal record relief, making it easier for more Marylanders to finally move on with their lives. For far too long, expungement laws and eligibility requirements have impeded the natural flow of justice for individuals who have already served a sentence. SB 432 will help create an expungement procedure that encourages second chances.

The Last Prisoner Project strongly urges the General Assembly to pass the Expungement Reform Act of 2025 (SB 432).

Additionally, we encourage the General Assembly to amend the law to allow individuals granted full and unconditional pardons to petition for an expungement immediately.⁸ By amending the law so that a pardon initiates an expungement on the recipient's behalf, nearly all criminal records pardoned under the Cannabis Pardon Order signed by Governor Moore would be immediately expungable.

About Last Prisoner Project

The Last Prisoner Project, a 501(c)(3) nonprofit organization, is a national, nonpartisan organization focused on the intersection of cannabis and criminal justice reform. Through policy campaigns, direct intervention, and advocacy, LPP's policy experts work to redress the past and continuing harms of unjust cannabis laws.

⁶ *Id.* at 2468-70.

⁷ *Id.* at 2510-11.

⁸ Md. Criminal Procedure Code Ann. § 10-105(a)(8)(ii)

SB0432 - Expungement Reform Act_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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

Thank you for your time, service, and consideration.

Sincerely,

Barbara Hauck
3420 Harford Rd.
Baltimore, MD 21218

Showing Up for Racial Justice Baltimore

¹ 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/>

GOCPP Testimony in Support SB 432.pdf

Uploaded by: Bethany Young

Position: FAV

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

TESTIMONY IN SUPPORT OF SENATE BILL 432

February 5, 2025

Bethany Young, Director of Policy and Legislation

The Governor's Office of Crime Prevention and Policy (GOCPP) advises the Governor on criminal justice strategies, coordinates across public safety agencies, and advances policies that promote justice and public safety. By expanding access to criminal record expungement and prohibiting the public display of certain records on Maryland Judiciary Case Search, Senate Bill 432 will expand opportunities for returning citizens to successfully reintegrate into society and thereby improve public safety.

A criminal record is a barrier to economic stability for many people. Research has long shown that the presence of a record imposes challenges to obtaining steady employment, secure housing, and educational opportunities; this lack of stability heightens the risk of recidivism, further perpetuating cycles of poverty, crime, and justice system involvement.¹ What's more, this issue disproportionately impacts communities – such as the Black community – who are more likely to have justice system involvement, exacerbating racial disparities across the State.²

Expungement allows people to progress without the stigma of a past conviction hindering their opportunities. Research indicates those who receive expungements experience a **23% increase in wages within a year**, driven primarily by their ability to obtain stable employment. What's more, a Cato Institute study found that **recidivism rates among expungement recipients are lower than those of the general population**; in essence, the data indicates that expungement benefits both **personal rehabilitation** and **community safety**.³

Despite what the research tells us, systemic barriers to expungement remain in place in the State. Lengthy waiting periods, restrictive eligibility requirements, and the widespread availability of outdated or inaccurate criminal records on public and commercial databases create burdensome roadblocks for individuals seeking this type of relief. These procedural hurdles can dissuade

¹ <https://nij.ojp.gov/topics/articles/expungement-criminal-records-reentry-barriers>

²

<https://marylandmatters.org/2024/06/18/advocates-welcome-cannabis-pardons-but-urge-moore-to-continue-justice-reform-efforts/>
/ (A racial equity impact note for the 2022 referendum that ultimately legalized recreational cannabis use noted Black people accounted for 59% of those arrested for marijuana possession in 2020, compared to about 39% for white people. Those convictions often result in hardships in getting a job, finding affordable housing and other economic challenges.)

³ <https://www.cato.org/regulation/summer-2020/power-clean-slate>

otherwise eligible candidates from even attempting to have their records expunged.⁴ Fortunately, Senate Bill 432 proposes solutions to counter these obstacles.

First, SB 432 will allow individuals who completed their probation or parole to be eligible for expungement even if they had a technical violation. Second, it expands the list of expungeable offenses, aligning Maryland law with modern research demonstrating expungement's economic and social benefits. Senate Bill 432 also eliminates the public display of certain records on Maryland Judiciary Case Search, protecting individuals from the harm caused by inaccurate, incomplete, and monetized criminal record data. Finally, the Bill ensures fairness in the expungement process, recognizing that individuals who have made good-faith efforts to fulfill restitution obligations should not be indefinitely denied relief due to financial hardship.

These reforms are not only just—they will foster economic opportunities, reduce recidivism, and strengthen communities. Expungement is a proven tool for breaking down systemic barriers to reentry, allowing countless citizens to contribute more fully to the State's economy and society. For these reasons, GO CPP requests a **favorable report** on Senate Bill 432. Thank you for your time and consideration.

⁴ <https://www.cato.org/regulation/summer-2020/power-clean-slate>

SB0432_HB0499_FAV_CarlosBattle.docx.pdf

Uploaded by: Carlos Battle

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 432/ HOUSE BILL 499

Criminal Procedure - Expungement - Completion of Sentence

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Reverend Carlos Battle, New Shiloh Baptist Church & WE OUR US

Greetings Committee Members,

I am Carlos Battle, a resident of District 40 in West Baltimore and a reverend at New Shiloh Baptist Church. I support SENATE BILL 432/ HOUSE BILL 499 to allow for expunging charges that may have involved a probation violation.

About 25 years ago, I received a possession with intent to distribute charge and took a plea deal because I was addicted to drugs and did not want to spend time in jail. I was sentenced to three years probation and 10 years of a suspended sentence. I was violated while on probation for missing a meeting and served the suspended sentence, making my charge permanently ineligible for expungement.

While incarcerated, I became the pastor of Sikesville Correctional Institution and attended Anne Arundel Community College. I also took classes on digital literacy to keep my skills up and worked in the library. Upon release, I came home and struggled to find employment. After years of searching, I found a job at Walmart and worked my way up to manager while earning a safe serve certification, allowing me to become a chef. I then moved on to Sinai Hospital as a chef for 10 years and currently work for Johns Hopkins University.

Today, I am in ministry at New Shiloh Baptist, attended by my friend and representative, Kweisi Mfume. I lead the prison and substance abuse ministry and am on the evangelism team. For six years, I have been a member of the WE OUR US MOVEMENT, distributing resources to the community, aiding the drug addicted, employing the youth with jobs, and giving hope in the streets of Baltimore. I also just opened housing in District 41 for formerly incarcerated citizens.

God has done wonders in my life, and I wish to help my brothers experiencing similar struggles. This bill will help me and many of my congregants expunge their records after they finish paying their debts to society. I urge a favorable report.

SB0432 - Expungement Reform Act 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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live life to their fullest potential and meaningfully contribute to society. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned cannabis charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society. This law is especially important given the fact that recreational use of cannabis is now legal.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

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 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/>

SB0432 - Expungement Reform Act.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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

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 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/>

SB0432_HB0499_FAV_ColinWillet.docx (1).pdf

Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432/ HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Colin Willet

I, Colin Willet, support SENATE BILL 432/ HOUSE BILL 499 to clarify that expungements are to be allowed when the time allotted for the sentence has expired, including mandatory supervision and the waiting period.

When I was 21, I was caught in an unfortunate situation at the wrong place and time. This resulted in my being wrongfully convicted of credit card theft despite never having said credit card. I was subsequently sentenced to 3 years of probation. As part of my probation, I met with my parole office weekly as mandated. My only violation was an unfortunate DWI. Following my DWI, I began to attend weekly Alcoholics Anonymous meetings and completed my sentence.

Despite finishing my sentence, this wrongful conviction has been a heavy burden for the last 26 years of my life. I have bounced around from one low-paying job to another, never landing a decent job because 26 years ago, I was labeled a thief. Potential employers see only the word “theft,” not my skills or desire to improve myself.

Since my DWI, I have stayed out of trouble with the law, and I have stopped drinking entirely. None of this has mattered in the courts, and my expungement has now been denied twice. The situation has caused me severe depression and anxiety, which I am now in therapy for.

Senate Bill 432 and House Bill 499 will lift the current ban on expungements for charges where a violation of probation occurred and allow *all* of my charges to be eligible for expungement. I urge a favorable report.

SB0432_HB0499_FAV_SignOn (Dews) (1).pdf

Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432 / HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

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 432 and House Bill 499, which would reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement and expanding the charges eligible for expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) Criminal Procedure under §10–105 and §10-110. The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days’ incarceration, and had his probation closed “unsatisfactorily.”

In December 2020, now *12 years* after the initial conviction, he filed to expunge the misdemeanor - having waited for the required 10 years under [Criminal Procedure §10–110 c\(1\)](#) but was informed that he did *not* qualify for an expungement since he did not satisfy the sentence and probation imposed. After appealing his case, the court ruled that *any* probation violation makes the conviction, regardless of the time passed, the nature of the conviction, or the person’s success at rehabilitation, *permanently ineligible* for expungement. Due to this ruling, he and *every* Marylander with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting period in half. This allows millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 432/ House Bill 499 aims to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations.

The bill also removes all pardoned marijuana charges and 3-year stets from Case Search and adds seven (7) common misdemeanors to the expungement eligibility list, which will be huge for Marylanders:

1. [Transportation Article § 16-101](#) - Driving without a License
2. [Criminal Law § 8–106](#) Cashing a Bad Check
3. [Criminal Law §8–610](#) Counterfeiting Prescription
4. [Criminal Law Article §8-204](#) Stolen Credit Card
5. [Criminal Law Article §9-408](#) Resisting Arrest
6. [Criminal Law Article §9-501\(a\)](#) & [§9–502\(a\)](#) - False Statement to an Officer

These charges have been holding our members back from access to employment, housing, education, licensing, and financial assistance for decades *after* they have completed their sentence *and* paid back their debt to society. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to reacclimate into society properly. We sincerely thank the Moore Administration for raising this challenge for its constituents, and we urge a favorable report.

The Undersigned Organizations Support House Bill 432/ Senate Bill 499

- | | |
|--|---|
| 1. Office of the Attorney General | 14. Job Opportunities Task Force |
| 2. The Center for Urban Families | 15. Maryland Community Action Partnership |
| 3. Maryland Legal Aid | 16. The People’s Commission to Decriminalize Maryland |
| 4. Out for Justice | 17. Public Justice Center |
| 5. The University of Baltimore School of Law | 18. Helping Ourselves to Transform |
| 6. Maryland Equitable Justice Collaborative | 19. PIVOT MD |
| 7. Office of the Public Defender | 20. Marian House |
| 8. Maryland Alliance for Justice Reform | 21. Helping Oppressed People Excel (H.O.P.E.) |
| 9. Maryland Volunteer Lawyer’s Service | 22. We R Us |
| 10. Maryland Alliance for Justice Reform | 23. Cornerstone Full Gospel Church |
| 11. Showing Up for Racial Justice | 24. Public Justice Center |
| 12. Maryland Justice Project | 25. From Prison Cells to PhD (P2P) |
| 13. Life After Release | |

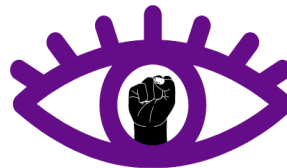
- 26. Return Home Baltimore
- 27. Maryland Nonprofits
- 28. From Prison Cells to Phd



MARIAN HOUSE



BUILDING COMMUNITY TOGETHER



COURTWATCH PG



BALT

BALTIMORE ACTION LEGAL TEAM



Center for Criminal
Justice Reform

SB0432_HB0499_FAV_SignOn (Public).pdf

Uploaded by: Christopher Dews

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432 / HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

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 432 and House Bill 499, which would reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement and expanding the charges eligible for expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) Criminal Procedure under §10–105 and §10-110. The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days’ incarceration, and had his probation closed “unsatisfactorily.”

In December 2020, now *12 years* after the initial conviction, he filed to expunge the misdemeanor - having waited for the required 10 years under [Criminal Procedure §10–110 c\(1\)](#) but was informed that he did *not* qualify for an expungement since he did not satisfy the sentence and probation imposed. After appealing his case, the court ruled that *any* probation violation makes the conviction, regardless of the time passed, the nature of the conviction, or the person’s success at rehabilitation, *permanently ineligible* for expungement. Due to this ruling, he and *every* Marylander with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting period in half. This allows millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 432/ House Bill 499 aims to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations.

The bill also removes all pardoned marijuana charges and 3-year stets from Case Search and adds seven (7) common misdemeanors to the expungement eligibility list, which will be huge for Marylanders:

1. [Transportation Article § 16-101](#) - Driving without a License
2. [Criminal Law § 8–106](#) Cashing a Bad Check
3. [Criminal Law §8–610](#) Counterfeiting Prescription
4. [Criminal Law Article §8-204](#) Stolen Credit Card
5. [Criminal Law Article §9-408](#) Resisting Arrest
6. [Criminal Law Article §9-501\(a\)](#) & [§9–502\(a\)](#) - False Statement to an Officer

These charges have been holding our members back from access to employment, housing, education, licensing, and financial assistance for decades *after* they have completed their sentence *and* paid back their debt to society. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to reacclimate into society properly. We sincerely thank the Moore Administration for raising this challenge for its constituents, and we urge a favorable report.

The Undersigned Organizations Support House Bill 432/ Senate Bill 499

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| 2. The Center for Urban Families | 15. Maryland Community Action Partnership |
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| 7. Office of the Public Defender | 20. Marian House |
| 8. Maryland Alliance for Justice Reform | 21. Helping Oppressed People Excel (H.O.P.E.) |
| 9. Maryland Volunteer Lawyer’s Service | 22. We R Us |
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| 11. Showing Up for Racial Justice | 24. Public Justice Center |
| 12. Maryland Justice Project | 25. From Prison Cells to PhD (P2P) |
| 13. Life After Release | |

- 26. Return Home Baltimore
- 27. Maryland Nonprofits
- 28. From Prison Cells to Phd
- 29. Return Home Baltimore
- 30. CASH Campaign of Maryland



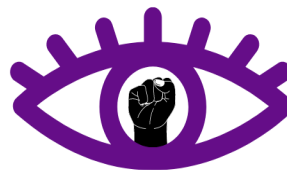
MARIAN HOUSE



BUILDING COMMUNITY TOGETHER



CONSTRUCTION TRAINING



COURTWATCH PG



BALT

BALTIMORE ACTION LEGAL TEAM



UNIVERSITY OF BALTIMORE

Center for Criminal Justice Reform

CASH
CAMPAIGN
OF MARYLAND

Creating Assets, Savings and Hope

Expungement Reform Act 2025 SB 432 MVLS Testimony.

Uploaded by: Christopher Sweeney

Position: FAV



JUSTICE FOR ALL

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE IN SUPPORT OF SB
432: CRIMINAL RECORDS – EXPUNGEMENT AND MARYLAND JUDICIARY CASE
SEARCH (EXPUNGEMENT REFORM ACT OF 2025)

Susan Francis
EXECUTIVE DIRECTOR

FEBRUARY 5, 2025

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Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 432.

My name is Chris Sweeney and I am the managing attorney for the Workforce Development Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 870 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In the most recent fiscal year, MVLS volunteers and staff lawyers provided legal services directly impacting 6,135 people across the State. I am speaking today to urge the Judiciary Proceedings Committee to issue a favorable report on Senate Bill 432.

SB432 proposes to close a critical gap in the state's criminal record expungement process exposed by a 2022 Court of Appeals case – *in re Abhishek I*. The appellate decision severely limits expungement eligibility for those who did not successfully complete probation. This bill clarifies the language interpreted in the *Abhishek* case to ensure that people who make mistakes while on probation are not permanently barred from seeking expungement.

Expungement is an indispensable step in addressing the harmful collateral consequences of criminal legal system involvement. It allows a person who has made mistakes years in the past to start fresh so that they can move forward in life. MVLS clients frequently report being denied employment, rental housing, and other opportunities during the waiting period for expungement eligibility. These denials make it harder for individuals already experiencing difficult circumstances to achieve stability.

SB432 makes a small, technical change to statutory language on the wait time for expungement eligibility, clarifying that it begins upon the "completion," rather than "satisfaction," of the sentence. This distinction would ensure that people whose cases are closed, with their sentences fully completed, and who have waited the number of years required by the expungement statute are no longer prevented from receiving an expungement because their probation was not marked by a probation officer as "satisfied."

This 2022 Appellate Court ruling has greatly impacted individuals who were initially sentenced to probation but were found to have violated the probation and sentenced to some alternate penalty as a result. Based on this decision, such individuals may have completed the subsequent sentence, but do not technically “satisfy” their initial sentence of probation. This means that even someone who commits a technical violation, such as missing a probation meeting, can have a permanent criminal record for the most minor offenses, simply because they slipped up during probation.

If the Appellate Court’s decision is not overridden, Maryland’s expungement laws will contain an unjust and irrational contradiction: A person can be convicted of an unlimited number of eligible offenses under our current law, and can always seek expungement so long as they go the required number of years without a new conviction, but a person who receives probation for one charge in their lifetime is permanently denied the remedy of expungement if they violate that probation, even if the violation was not based on the commission of a new crime.

Ms. Davis* is one of many MVLS clients impacted by this interpretation of the law. Ms. Davis, who worked with an MVLS attorney to expunge criminal records from the 1990s, had been unable to expunge a past conviction that is otherwise eligible for expungement due to past violations of probation while she was grappling with substance use. Her probation officer’s closing of her case with an “unsatisfactory” designation – nearly 20 years ago, despite her completion of her sentence and probation - makes her currently unable to expunge a record under the law, impacting her ability to apply for and access needed senior housing programs in Maryland.

SB432 clarifies that individuals like Ms. Davis will be able to petition for expungement of eligible convictions after they have completed their sentence and the appropriate time has passed. The bill contains a provision allowing the Court to consider the nature of the probation violation if the reasons for violation were in fact egregious. Additionally, the bill adds a few misdemeanor convictions to the list of eligible offenses. These common nonviolent charges often stand in the way of our clients achieving completely clean records to help them find stability in life.

This bill, if passed, will ensure that Maryland’s expungement process is able to achieve its purpose of ameliorating the harm of a criminal record and allowing our fellow citizens to move forward without barriers to housing, employment, and education opportunities.

For all the reasons stated above, Maryland Volunteer Lawyers Service supports SB432 and respectfully encourages a favorable report.

**MVLS client’s name changed to protect privacy.*

SB0432_HB0499_FAV_ColinWillet.docx (1).pdf

Uploaded by: Colin Andrew Willett

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432/ HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Colin Willet

I, Colin Willet, support SENATE BILL 432/ HOUSE BILL 499 to clarify that expungements are to be allowed when the time allotted for the sentence has expired, including mandatory supervision and the waiting period.

When I was 21, I was caught in an unfortunate situation at the wrong place and time. This resulted in my being wrongfully convicted of credit card theft despite never having said credit card. I was subsequently sentenced to 3 years of probation. As part of my probation, I met with my parole office weekly as mandated. My only violation was an unfortunate DWI. Following my DWI, I began to attend weekly Alcoholics Anonymous meetings and completed my sentence.

Despite finishing my sentence, this wrongful conviction has been a heavy burden for the last 26 years of my life. I have bounced around from one low-paying job to another, never landing a decent job because 26 years ago, I was labeled a thief. Potential employers see only the word “theft,” not my skills or desire to improve myself.

Since my DWI, I have stayed out of trouble with the law, and I have stopped drinking entirely. None of this has mattered in the courts, and my expungement has now been denied twice. The situation has caused me severe depression and anxiety, which I am now in therapy for.

Senate Bill 432 and House Bill 499 will lift the current ban on expungements for charges where a violation of probation occurred and allow *all* of my charges to be eligible for expungement. I urge a favorable report.

Written Testimony_ SB 432 The Expungement Reform A

Uploaded by: Crystal Francis

Position: FAV

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



351 Dubois Rd, Annapolis, MD 21401

Written Testimony in Support of: SB 432 The Expungement Reform Act of 2025

Dear Chairman and Members of the Senate Judicial Proceedings Committee,

I write to you today on behalf of the Maryland Alliance for Justice Reform, a nonprofit, nonpartisan, grassroots advocacy organization that believes in second chances and in the fundamental fairness of our justice system. The Expungement Reform Act of 2025 (Senate Bill 432 / House Bill 499) presents a long-overdue opportunity to address the unnecessary and lifelong barriers that prevent individuals with past convictions from moving forward.

For many Marylanders, a criminal record—regardless of how old or minor—acts as a permanent roadblock to securing employment, housing, and financial stability. Even after serving their sentences, these individuals remain trapped in a cycle of poverty and marginalization. This legislation offers a chance to break that cycle by refining the expungement process and eliminating outdated restrictions that unfairly penalize individuals who have already paid their debt to society.

A criminal record does not just serve as a reminder of past mistakes—it creates a nearly insurmountable barrier to rebuilding a stable and successful life. Employers frequently reject qualified applicants due to background checks, landlords deny housing opportunities, and financial institutions refuse credit and loans to individuals with records. This systemic exclusion prevents people from truly moving on and contributing productively to their communities. If serving time is meant to be a form of justice, then it should also provide a clean slate upon completion, allowing individuals a fair opportunity to reintegrate and rebuild their lives.

The existing expungement framework, as interpreted by the courts, disproportionately impacts those who may have committed minor probation violations. Under the current standard, a person who successfully serves their time and meets all other eligibility requirements can still be denied expungement for something as small as missing an appointment or struggling with an addiction-related relapse. This rigid interpretation fails to account for the complexities of rehabilitation and disproportionately harms low-income individuals and communities of color.

By ensuring that a probation violation does not automatically render a person permanently ineligible for expungement, Senate Bill 432 / House Bill 499 restores fairness and consistency to the legal system. It acknowledges that mistakes happen, that growth is possible, and that individuals should not be defined indefinitely by their lowest moments.

This bill does not eliminate the role of judicial discretion—prosecutors and victims will still have the right to object to expungements when appropriate. What it does is provide a pathway for

those who have genuinely rehabilitated and are seeking to reintegrate into society. This is not just a matter of justice; it is an economic and public safety issue. Studies have consistently shown that individuals with access to expungement are more likely to find stable employment, contribute to the economy, and avoid recidivism.

It is time we recognize that true rehabilitation means more than just serving time—it means allowing people to fully participate in society without being haunted by past mistakes. For these reasons, we strongly urge you to support Senate Bill 432 / House Bill 499 and issue a favorable report.

Sincerely,

Crystal Francis, Ph.D., Vice President
Maryland Alliance for Justice Reform
Backdoor@ma4jr.org
(443) 692-7228

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan, all-volunteer organization of nearly 2000 Marylanders who advocate for sensible evidence-based legislative and policy changes in Maryland's correctional practices. MAJR thanks you for the opportunity to provide input on this legislation and urges a favorable report.

SB0432_HB0499_FAV_.docx.pdf

Uploaded by: DaMarqus Moore

Position: FAV

TESTIMONY IN SUPPORT OF SENATE BILL 432/ HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: **Dr. Carmen Johnson, Founder**

Helping Ourselves to Transform

Our mission is to invest in individuals maligned by the social and economic consequences of the injustice system through education, advocacy, and sustainable solutions for the betterment of communities. HOTT promotes civic engagement and strengthens democracy by equipping individuals with the necessary skills to actively participate in their communities and advocate for positive change. We work tirelessly to advance informed, inclusive, and purposeful civic participation that amplifies the voices of all citizens, leading to a more just and prosperous society for everyone. We are committed to fostering positive change, addressing pressing social challenges, and creating a brighter, more equitable future for all.

I Dr. Carmen Johnson support(s) Senate Bill 432/ House Bill 499 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement. In 2022, the **Court of Special Appeals** ruled that any **probation violation** renders a conviction **indefinitely ineligible for expungement**, regardless of the violation’s nature. This decision has **barred countless Marylanders**, including those with decades-old misdemeanors, from clearing their records—impacting their ability to **secure jobs, housing, education, occupational licenses, and financial opportunities**. Notably, one individual was denied expungement due to a cannabis possession violation, despite **cannabis legalization generating \$700 million for the state in just one year**. Although the **Maryland General Assembly passed the REDEEM Act**, reducing expungement waiting periods, many remain **disqualified due to the Abhishek ruling**.

SB 432/HB 499 seeks to correct this injustice by:

- **Ensuring expungement eligibility** once a sentence, including probation, parole, or mandatory supervision, has expired.
- **Removing restrictive language** (“satisfies” and “satisfactorily”) that creates a blanket ban on expungements.
- **Expanding expungement eligibility** to additional misdemeanors and **removing all cannabis convictions** from Case Search.
- **Preserving judicial discretion**, allowing the **State’s Attorney and victims** to object to expungements under **Criminal Procedure §10–110(f)(1)**.

This is a **balanced and rational approach** to providing relief for the **estimated 25% of working-age Marylanders with a record**. For these reasons, we strongly urge a **favorable report**.

Sincerely

Dr. Carmen Johnson

SB0432 - Expungement Reform Act.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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is true regardless of the nature of the violation, no matter how minor. This prevents people who have a probation violation on their record from ever getting their conviction expunged, even decades later. A drug test missed due to transportation problems could result in still having a criminal record 20 years in the future.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

Thank you for your time, service, and consideration.

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

¹ 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/>

Expungement Reform Act of 2025_250203_162748.pdf

Uploaded by: Demetrious Jones

Position: FAV

My name is Demetrious Jones and I am a resident of District 7. I am writing in support of SB 432, the expungement of otherwise expungable convictions that have an associated parole, probation or mandatory supervision violation. It also adds several common sense misdemeanors to the expungement statute.

My community experience has come from the mentorship of a young Man with this exact issue currently. His experience with the legal system has been fraught with obstacles and barriers. Right now this young Man is on mandatory supervision. He has an ankle monitor that he has to wear daily and is confined to his home unless approved by a monitoring supervisor. Finding employment opportunities has been a challenge. The majority of employers that have offered an opportunity for an interview, immediately withdraw the job opportunity when they see the ankle monitor. I have seen this youngan

demoralized and feeling like he does not have a chance to atone for his mistakes. He often talks to me about being able to be self-sufficient. Without a job that pays a livable wage he's relying on Family and Friends for housing. Having his misdemeanors expunged would allow him to obtain gainful employment. It would allow him to obtain professional licenses and certifications. Which in turn would allow him to earn financial and social stability. Being able to remove the stigma associated with wearing an ankle monitor is the toughest barrier he faces. The expungable convictions have been an immense setback for my Mentee. I believe criminal record expungements are important because it improves employment opportunities, allows for better housing options, allows the individual to obtain professional licenses and certifications, and greatly improves his overall standing and reputation in the community. I urge a

favorable report.

Sincerely,
Demetrious Jones

SB0432 - Expungement Reform Act.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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

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 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/>

Expungement Reform Act of 2025 -- Testimony (REFOR

Uploaded by: Erin Haney

Position: FAV



Senate Bill 0432

Criminal Records – Expungement and Maryland Judiciary Case Search

(Expungement Reform Act of 2025)

In the Judicial Proceedings Committee

Committee Hearing on February 5, 2025

Position: FAVORABLE

As Chief Policy Officer for REFORM Alliance, I write on behalf of my organization in strong support of the Expungement Reform Act of 2025. REFORM Alliance is dedicated to transforming probation and parole systems across the United States by implementing evidence-based reforms that reduce recidivism, promote rehabilitation, and ensure public safety. To date, we have passed 18 bipartisan bills in 11 states, creating pathways for 850,000 people to exit the system.

A criminal record can devastate an individual's ability to secure a job, housing, education, and essential services - elements vital both for rebuilding lives and for maintaining public safety. Expungement is a proven tool in this regard. National data, according to the [Cato Institute](#), shows that between 6-8% of those granted expungement are rearrested within five years compared to recidivism rates nearing 50%. Fewer crimes mean fewer victims and more people moving forward with their lives.

Since 2018, more than 150,000 Marylanders have had their records cleared. That progress is encouraging. Yet, new court holdings threaten to impede this progress by unnecessarily precluding expungement for anyone with even one technical violation, regardless of how minor or long ago it occurred.

These technical violations are rarely the result of new criminal behavior. Instead, they usually stem from the challenges of navigating an overly complicated supervision system. Across the many states where REFORM Alliance has worked, from Pennsylvania to Florida, Georgia to California, we see similar obstacles. Imagine the anxiety of juggling mandated courses, treatment programs, officer meetings, and a full-time job to cover fees, fines, and rent while ensuring your children get to school on time. One missed appointment or late arrival can trigger a violation that locks a person into a cycle of supervision, debt, and stigma.

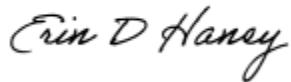
SB 432 and HB 499 ensure that if someone completes their sentence and remains law-abiding, they deserve a fresh start. Would we prevent a student from graduating because of one poor semester in their sophomore year, even if they excelled afterward?

REFORM

Advancing this legislation would bring Maryland in line with national trends. With more than 30 states limiting incarceration for technical violations, over 18 states with earned credits incentives programs that reward compliance rather than punish for violations, and three of Maryland's neighboring states embracing forms of automatic expungement that do *not* restrict eligibility based on supervision violations. States are moving away from imposing lasting and dire consequences for technical violations and prioritizing evidence-based policies, safeguarding public safety, and strengthening communities.

I urge the committee to support this bill today.

Thank you.



/s/
Erin Haney, Esq.
REFORM Alliance
Chief Policy Officer

SB 432_Expungements and Maryland Judiciary Case Se

Uploaded by: Grason Wiggins

Position: FAV

Senate Bill 432

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.

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 426 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 426**.

SB0432_HB0499_FAV_HaroldColeman.docx.pdf

Uploaded by: Harold Coleman

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432/ HOUSE BILL 499

Criminal Procedure - Expungement - Completion of Sentence

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Harold Coleman

Greetings Committee Members,

My name is Harold Coleman, I am a resident of District 10. I support Senate Bill 432/ House Bill 499 to allow expungements after someone like myself has served their time but has a probation violation.

In 2022, the Court of Special Appeals ruled that any probation violation makes a conviction indefinitely ineligible for expungement. Under this legal interpretation, a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation).

This impacts me because I have violations from 1988 and 1997, after I served over 10 years. My violations were for failing a urinalysis test when I was sentenced to two-year probation for a car theft. I also was homeless for some time in my younger years and was placed on five-year probation for a 4th-degree burglary because I was arrested for sleeping on private property. I received a violation during this probation because I defended myself in a fight and received a second-degree assault charge.

As you can see, violations vary by individual and cause, and preventing expungements purely on this basis is unwise. My life was never easy, but I’ve worked for MDOT for 15 years at the Bay Bridge and have come to Annapolis on many occasions to testify on criminal record expungement bills so that people with similar histories can move on from their pasts and obtain relief.



I have served my time and do not believe that my violations in the 1980s and 1990s should prevent me from having my record expunged in 2025. Please move favorably on this bill.

Support Testimony for SB432 (2025).pdf

Uploaded by: Hassan Giordano

Position: FAV



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 05, 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 for Senate Bill 432 – Expungement Reform Act of 2025

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

As the State's Attorney for Baltimore City, I write to express my strong support for Senate Bill 432, the Expungement Reform Act of 2025. This legislation represents a meaningful step towards creating a more just and equitable legal system by ensuring that individuals who have paid their debt to society have a fair opportunity to move forward with their lives.

SB432 makes critical improvements to Maryland's expungement laws by streamlining the process for individuals seeking a second chance. Specifically, this bill:

- Reduces waiting periods for filing expungement petitions based on the completion of a sentence, including probation and parole.
- Expands the list of eligible misdemeanor convictions for expungement.
- Requires courts to assess a petitioner's ability to pay restitution before granting expungement, ensuring that financial hardships do not permanently bar individuals from relief.
- Prohibits Maryland Judiciary Case Search from displaying records of cases that resulted in acquittals, dismissals, or nol pros, as well as certain pardoned convictions.

In Baltimore City, many individuals face lifelong barriers to employment, housing, and economic stability due to past convictions, even after demonstrating rehabilitation and full compliance with their sentences. The reforms in SB432 will allow more Marylanders to reintegrate into society as productive citizens, reducing recidivism and strengthening our communities.

Public safety and justice must work hand in hand. While we remain committed to holding offenders accountable, we must also recognize the importance of redemption and



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

rehabilitation. By passing SB432, Maryland will take a significant step toward ensuring that individuals who have served their time are not permanently defined by their past mistakes.

I urge the committee to give SB432 a favorable report. Thank you for your time and consideration. Please feel free to contact my office should you have any questions.

Sincerely,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City

Submitted By: Hassan Giordano
Chief, External Affairs Division

SB 432 Expungement Reform Act CCJR FAV.pdf

Uploaded by: Heather Warnken

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432

**Criminal Records – Expungement and Maryland Judiciary Case Search
Expungement Reform Act of 2025**

TO: 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 432, the Expungement Reform Act of 2025, opens the door to economic opportunity and otherwise moves Maryland forward in multiple critical ways. Firstly, it clarifies confusing language in Md. Code Ann., Crim. Proc. § 10-101 & § 10-110, which has been interpreted to permanently bar Marylanders from expunging their convictions if they had any probation violation, no matter how old, and regardless of its nature or reason (including decades old violations for possession of small amounts of now-legal cannabis). Senate Bill 432 also adds to the list of expungable offenses, making convictions for certain misdemeanors eligible, and prohibits the Maryland Judiciary Case Search from referring to any cannabis charges that have been pardoned by the Governor. The Center applauds Governor Wes Moore and the many diverse partners throughout the state who championed this important legislation and urges a favorable report on Senate Bill 432.

- I. Through SB 432, the General Assembly can correct confusing statutory language that has been interpreted to permanently bar Marylanders from expunging otherwise eligible offenses if the individual seeking expungement violated probation, an interpretation that has erected needless barriers for thousands.**

In 2022, the Court of Special Appeals ruled in *In re Expungement Petition of Abhishek I* that any probation violation¹ makes a conviction *indefinitely* ineligible for expungement. The court found that a violation, regardless of its nature, means that the individual has not satisfactorily completed his sentence. Due to this ruling, Marylanders with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education,

¹ The individual seeking expungement in this case had previously violated his probation terms by possessing cannabis, a substance that, since legalization, brought \$700 million to the state in just one year.

occupational licensing, financing and more. Since this ruling, the Maryland General Assembly passed the REDEEM Act, which cuts the criminal record expungement waiting time in half for many offenses, allowing millions of Marylanders to seek relief sooner. This positive and hopeful step forward was dramatically undercut by the decision in *Abhishek*, as thousands of Marylanders discovered that they are still permanently and categorically barred from having their records cleared due to the ruling.

Senate Bill 432 seeks to resolve this challenge by altering the expungement criteria to be accessible a certain number of years since “**the completion of the sentence,**” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 3-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with Criminal Procedure §10–110 f(1). It is then left to the courts, after considering a number of factors, to determine whether or not expungement is in the interest of justice. This approach is vastly superior to a blanket ban that prohibits expungement regardless of the specific circumstances of the person and their probation violation.

Senate Bill 432 keeps the factors the court may consider in place, including the nature of the crime, the history and character of the person, the person’s success at rehabilitation, whether the person is a risk to public safety, and whether the expungement would be in the interest of justice. This is a rational and balanced approach to ensuring that the estimated 25% of working-age Marylanders with a record² can receive the relief necessary to open hard earned doors to opportunity and allow them to fully reacclimate into society.

II. Expanding expungement through Senate Bill 432 will reduce collateral consequences associated with having a criminal record.

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. Senate Bill 432 adds seven common misdemeanors to the expungement eligibility list and removes all pardoned cannabis charges and 3-year stets from Case Search, which will have a profound positive impact on the lives of countless Marylanders, as well as the state’s economic viability as a whole. Background checks are being used increasingly for non-criminal justice purposes.³ More than 92% of employers perform background checks for job applicants⁴

² Bureau of Justice Statistics, U.S. Department of Justice, Survey of State Criminal History Information Systems, 2012, 26 https://drive.google.com/file/d/1hUGVpwIl6Z_GN4KOK6gV1eNkiyYbjbJI/view.

³ Becki Goggins, *New Blog Series Takes Closer Look at Findings of SEARCH/BJIS Survey of State Criminal History Information Systems, 2016*, SEARCH (Mar. 29, 2018) (From 2006 to 2016, “the number of fingerprints processed for noncriminal justice purposes increased by 89.6% . . . while the number processed for criminal justice purposes actually decreased by 6.6%.”)

⁴ 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).)

and deny employment to many returning citizens based on a criminal record. If a potential employer, institution of higher education, department of licensure, or housing provider obtains a fingerprint background check, a person's full record (including non-convictions) within a unit⁵ would become available to them. Most individuals seeking background checks cannot accurately distinguish between a conviction and a non-conviction—let alone understand the circumstances that led to a “guilty” verdict in the first place. Unsurprisingly, expungement recipients exhibit much better employment outcomes.⁶ Thus, expanding expungement opportunities 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 for expungement 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 at least a strong correlation between expungement and lower recidivism.⁷ There is no empirical evidence that expungement undermines public safety.⁸ Therefore, any purported safety risks from Senate Bill 432's opponents are misplaced.

Beyond the absence of a public safety risk, Senate Bill 432 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.⁹ It follows that alleviating the burden of these collateral consequences would reduce illegal behavior among expungement recipients.

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 Senate Bill 432.

⁵ Under current Maryland law [Criminal Procedure §10–107](#), charges that arise from the same incident, transaction, or set of facts are considered a ‘unit of charges’. If a person is not entitled to the expungement of one charge or conviction within a unit, the person is not entitled to the expungement of any other charge within the unit.

⁶ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 HARV. L. REV. 2460, 2528 (2020).

⁷ *Id.* at 2512–14.

⁸ Sonja B. Starr, "Expungement Reform in Arizona: The Empirical Case for a Clean Slate," 52 Arizona State Law Journal 1059, 1076 (2020).

⁹ J.J. Prescott & Sonja B. Starr, The Power of a Clean Slate, <https://www.cato.org/regulation/summer-2020/power-clean-slate>.

SB 432 - SUPP- JPR - Expungement Reform Act of 20

Uploaded by: Henry Bogdan

Position: FAV



marylandnonprofits.org

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410.727.6367 | 800.273.6367 | Fax 410.235.2190

February 5, 2025

Senate Bill 432
Criminal Records – Expungement and Maryland Judiciary Case Search
(Expungement Reform Act of 2025)
Senate Judicial Proceedings Committee

Position: SUPPORT

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Due to this ruling, he and every Marylander with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought \$700 million to the state in just one year.

Since this ruling the Maryland General Assembly passed the REDEEM Act, which cuts the criminal record expungement waiting period in half. This allows millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 432 seeks to resolve this by altering the expungement criteria to be accessible at “the time when a sentence has expired, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence and finished the additional 5-10-year waiting period, they will be eligible for expungement if the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with Criminal Procedure §10–110 f(1), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. The bill also expands the expungement list by adding several misdemeanors and removes all cannabis convictions from Case Search.

We see this as a rational and balanced approach to ensuring that the estimated 25% of working-age Marylanders with a record (pg.33) can receive the expungements necessary to allow them to reacclimate into society properly.

For these reasons, Maryland Nonprofits urges you to give Senate Bill 432 a favorable report.



Maryland Nonprofits’ mission is to strengthen organizations and networks for greater quality of life and equity.

SB0432 - Expungement Reform Act.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. I am testifying in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

Thank you for your time, service, and consideration.

Sincerely,
Holly Powell
2308 Cambridge Street
Baltimore, Maryland 21224
Showing Up for Racial Justice Baltimore

¹ 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/>

HPP SB 432 Testimony- FAV.pdf

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 432
TITLE: Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 5, 2025
POSITION: FAVORABLE

Senate Bill 432 would reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement, among numerous other improvements to the Maryland expungement structure. The Human Trafficking Prevention Project (“HTPP”) supports this bill because it will remove yet another unnecessary barrier preventing all Marylanders, including sex workers and survivors of human trafficking, from expunging their records, enabling them to more readily access the opportunities they need to better their lives.

In 2008, Abhishek I. was placed on one year of supervised probation after pleading guilty to a misdemeanor theft charge. During his period of probation, he was arrested for cannabis possession which was, at that time, illegal in Maryland. As a result of his arrest, he was sentenced to four days’ incarceration and his probation was closed “unsatisfactorily.” In 2020, after having waited the full 10 years as required under [Section 10-110\(c\) of the Maryland Criminal Procedure Code](#), he filed for expungement of his now-12-year-old conviction, which was denied due to what the court termed as his failure to satisfy the terms of his probation. In 2022, [the Court of Special Appeals affirmed the lower court’s decision](#), ruling that *any* post-conviction probation violation renders that conviction *indefinitely* ineligible for expungement because the individual has not “satisfactorily completed the sentence.”

As a result of this decision, known colloquially as [the Abhishek Case](#), any Marylander who has violated the terms of their probation at any point post-conviction is permanently barred from expunging that conviction in the State of Maryland, despite the “age” of the conviction or the circumstances of the violation. Since this ruling, the Maryland General Assembly passed the REDEEM Act, which cuts most criminal record expungement waiting times in half, only to find that millions of Marylanders are *still* barred from seeking expungement of their 5-15 year-old convictions due to the Abhishek ruling.

Senate Bill 432 seeks to resolve this unnecessary barrier by removing the terms “satisfies” and “satisfactorily” from the the expungement statute, meaning that those seeking expungement of eligible convictions will be able to do so at “the time when a sentence has expired, including any period of probation, parole, or mandatory supervision,” and the proscribed waiting period is complete. Given that the State’s Attorney’s Office and any applicable victim in the case [still retains the right to object to the expungement](#), this leaves the courts to make the final decision as to whether or not the expungement is in the interest of justice, as opposed to upholding a blanket ban on all violations. The bill also expands the expungement list by adding several misdemeanors and removes all cannabis convictions from Case Search.

Given that sex workers and survivors of trafficking are two of the groups [put at highest risk of arrest and incarceration](#) due to their disproportionate experiences with [poverty, substance use, and trauma](#), the HTPP believes it to be essential that any state-based criminal record relief remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent survivors from moving forward with their lives post-arrest. SB 432 represents a rational and balanced approach that will allow *all* Marylanders, including sex workers and survivors of trafficking, who have waited the appropriate amount of time *and* who have not been barred from expungement due to a subsequent conviction, to remain eligible for the legal relief necessary to allow them to properly reacclimate into society. **For these reasons, the Human Trafficking Prevention Project supports Senate Bill 432 and respectfully urges a favorable report.**

***The Human Trafficking Prevention Project** is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.*

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
jemerson@htprevention.org*

SB432_FAV_CFUF_JJ.pdf

Uploaded by: Joseph Jones

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432

The Expungement Reform Act of 2025

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

FROM: Joseph Jones, CEO & President

The Center for Urban Families (CFUF), a West Baltimore workforce and family-strengthening community-based organization, advocates for legislative initiatives that strengthen urban communities by helping fathers and families achieve stability and economic success. In our 25-year history, we have served over 30,000 Marylanders, about half of whom have a criminal record.

First, I would like to thank Governor Moore and his team for delivering on the promise they made last July when they said the Governor's mass marijuana pardon was only the first step in building a state and society that is "more equitable, more just, and leaves no one behind." SB 432 is another critical move forward.

One of CFUF's core programs is STRIVE Baltimore, a 3-week workforce program focused on helping individuals build the hard and soft skills necessary to obtain and maintain employment. This body has made excellent progress in expanding access to expungement relief, but there is more work to be done. CFUF offers STRIVE classes monthly and in every single class 10 to 15 people tell us that although they have submitted dozens of job applications, their criminal record has prevented them from working. This is not a surprise – a 2020 Bureau of Justice Statistics-funded study found that 1 in 4 working Marylanders have a criminal record. Furthermore, the 2022 Abhisek decision determined that the 43% of Marylanders who violate parole or probation are not eligible for expungement.

When these individuals go on to graduate from our program, we see firsthand the challenges their records pose as we attempt to help them enter the workforce. More often than not, the fields open to them are low-wage, low-benefit, and offer limited opportunities for growth. A criminal record beats people down. It beats them down financially, it beats them down emotionally, and it beats down their hope that working hard and bettering themselves will lead to a brighter future for themselves and their families.

I urge a favorable report.

Thank you.

Center for Urban Families, Inc. (CFUF)
2201 North Monroe Street
Baltimore, MD 21217
410 367 5691 P
410 367 4246 F
www.CFUF.org



SB 432 - Criminal Records – Expungement and Maryla

Uploaded by: Kam Bridges

Position: FAV

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Testimony in Support of Senate Bill 432

Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

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 432, which establishes procedures and requirements for automated expungement for certain eligible offenses.**

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.

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.

Current law prohibits people with criminal records from expungement if their probation was closed “unsatisfactorily.” This ruling applies to thousands of Marylanders, many of whom would be included for mere technical violations of probation that have no bearing on their original crime. Thousands of Marylanders now have their economic and employment potential permanently capped. SB 398 would change this by making the common sense change of allowing expungements for people who have completed their sentence.

For these reasons, JOTF supports Senate Bill 432 and urges a favorable report.

For more information, contact:

Kam Bridges / Senior Public Policy Advocate / Kam@jotf.org

Testimony in Support of SB0432_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 active collaboration with and support for Out for Justice. I am a resident of Baltimore City. **I am testifying in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence”, regardless of the nature of the violation. This prevents people who violated their probation from ever getting eligible convictions expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Consequences 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. In short, the consequences of unexpunged convictions can severely hamper a person’s ability to live a fulfilling, productive life. Instead of indefinitely and unduly punishing people for offenses for which they’ve served their time, our justice system should support people who want to participate fully in society and contribute to their communities.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement

eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person's life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)**.

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

SB0432 - Expungement Reform Act.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. We are also working in collaboration with Out for Justice. I am a resident of District 43A. **I am testifying in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is the case regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

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

¹ 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/>

SB0432 - Expungement Reform Act.docx (1).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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

Thank you for your time, service, and consideration.

Sincerely,

Katherine Wilkins
5605 Foxcroft Way
Columbia MD 21045

Showing Up for Racial Justice Baltimore

¹ 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/>

SB0432 - Expungement Reform Act.docx.pdf

Uploaded by: Lindsay Keipper

Position: FAV

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Showing Up for Racial Justice

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Thank you for your time, service, and consideration.

Sincerely,

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

¹ 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 SB0432 - Expungement Reform Act .p

Uploaded by: Lisa Sarro

Position: FAV



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**COMMUNITY
LEGAL SERVICES**
ACCESS TO JUSTICE FOR ALL

SB0432

Criminal Procedure – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025) 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 SB0432.

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 have had to give disappointing advice for many people as a result of expungement law that this bill would remedy.

Addressing the Issue of “Unsatisfactory Completion of Probation

One of the most pernicious things we have seen is when an otherwise expungable misdemeanor is not considered eligible for expungement due to “unsatisfactory” completion of probation. Courts are required, per the current statute and Maryland case law, to find these charges non-expungable. (See *In re Abhishek I.*, 282 A.3d 318.) This results in two consequences: 1) offenses that are otherwise expungable are not eligible, and 2) any other offense preceding the one with unsatisfactory completion is also blocked from expungement. Ironically, offenders who have completed a probation revocation for an eligible offense would still be eligible to expunge despite the revocation if they meet the waiting period requirement.

CLS attorneys have observed many instances of years-old offenses being ineligible for expungement due to the “successful completion of the sentence” language in current law. There is no room for judicial discretion – the door is simply closed to the possibility of expungement. SB0432 would not result in mandatory eligibility for expungement under these same circumstances, but it would require the court to consider whether expungement should be permitted.

SB0432 would require a finding that the person's success at court-ordered probation be considered in whether the person is a risk to public safety. The State could still object to an expungement of an individual who did not successfully complete probation, but the person seeking expungement would be able to present his or her case to the court. In cases where probation was closed unsuccessfully due to nonpayment of restitution, the court would be able to consider if nonpayment were due to an inability to pay. In our practice, we find this to be a common reason why probation is closed unsatisfactorily, so this provision is likely to be extremely beneficial for allowing expungements. Inability to pay restitution is not a determinant of whether a person poses a threat to public safety, and poverty should not prevent individuals from having a better chance to find employment and housing and become productive after they have served their time. The provisions set forth in this bill continue to protect the State while balancing the right of the person seeking expungement to better his or her circumstances through expungement.

Expansion of Eligible Charges and the Potential Effect on the Unit Rule

In Maryland, multiple individual offenses can be and often are charged together as one "unit." Because of the "Unit Rule," if any one of the offenses charged together with other offenses in a single "unit" is ineligible for expungement, then all charges in the unit are ineligible. As it is now, we find the Unit Rule frequently to be a barrier to expungement of offenses that, were they not part of the unit, would clearly be eligible for expungement. While a full rescission of the Unit Rule would benefit the individuals seeking expungement and the public most, expanding the list of eligible misdemeanors may help lessen the Unit Rule's impact.

Automatic Expungement of STET Dispositions

Finally, automatically removing STET cases that are more than three years old from Maryland Judiciary Case Search will save judicial resources and be an immediate benefit to residents of Maryland. Removing STET matters from public view will make a review of a person's records much clearer and reduce potential negative connotations of having a "long" record. STET matters are usually offenses that would be eligible for expungement if convicted anyway, and they are low priority for prosecution. Removing them from public view provides the public with a more accurate picture of a person's risk to the community. JIS already can remove offenses by category like STET, so the impact will be felt quickly for the impacted community. This system-wide removal also saves judicial resources so that petitioners do not have to file for the already-free expungement of their records.

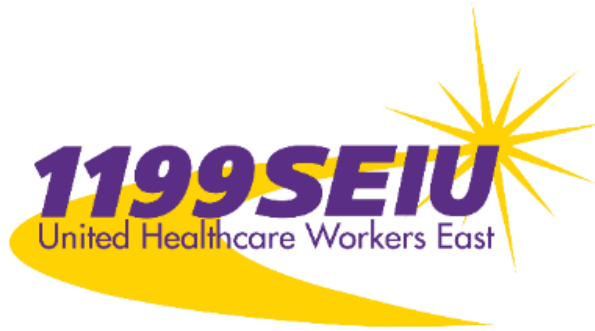
We Respectfully Request a Favorable Report

For these reasons noted above, Community Legal Services respectfully asks the committee to **issue a favorable report on SB0432**. 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.

25-SEIU-SB432FAVtestimony.pdf

Uploaded by: Loraine Arikat

Position: FAV



Testimony on SB432

(MGA 2025)

Criminal Records – Expungement and Maryland Judiciary Case Search
(Expungement Reform Act of 2025)

Position: FAV

February 5, 2025

To Chair Smith and Judicial Proceedings Committee Members:

My name is Ricarra Jones, and I am the Political Director with 1199 SEIU United Healthcare Workers East. We are the largest healthcare workers union in the nation, with 10,000 members in Maryland and Washington, DC.

1199 SEIU urges a **favorable** report on SB432 which alters the dates for expungement of criminal records; broadens the categories of matters which may be expunged; and prevents the recording of certain cannabis convictions in the Maryland Judiciary Case Finder database.

1199 SEIU believes SB432 is a critical measure to ensure that Maryland residents are given an equitable opportunity to secure employment, housing, and training. One of the greatest challenges faced by people with criminal records—affecting nearly 22% of Maryland’s adult population—is the obstacle that outdated records present to obtaining basic life necessities. To burden people with cannabis arrests permanently appearing in formal online records is counter productive.

SEIU 1199 is always concerned about the delivery of quality health care to consumers as well as the workplace opportunities for its own hard-working members. Passing SB432 (Expungement Reform Act of 2025) is a step in the right direction for all Marylanders.

We support SB432 and urge a favorable report.

Respectfully,

Ricarra Jones, Political Director, 1199SEIU UHW E

ricarra.jones@1199.org

SB 0432- Maryland Legal Aid- FAV.pdf

Uploaded by: Meaghan McDermott

Position: FAV



Senate Bill 0432
Criminal Records – Expungement and Maryland Judiciary Case Search
(Expungement Reform Act of 2025)
In the Judicial Proceedings Committee
Committee Hearing on February 5, 2025
Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on Senate Bill 0432 in response to a request from the Office of Governor Wes Moore.

MLA testifies in support of SB 0432. MLA is a private, nonprofit law firm that provides free legal services to low-income Maryland residents in civil matters. Last year, we advised or represented close to 2,000 clients on expungement. Unfortunately, many of those clients were unable to apply for expungement because of old probation violations. To ensure that probation violations do not limit expungement opportunities, SB 0432 provides clarity regarding the definition of sentence completion in Maryland Criminal Procedure Title 10; the portion of the code which governs criminal record expungement. The bill also expands the list of expungable offenses and requires shielding for pardoned cannabis offenses and stet dispositions.

SB 0432 clarifies that a person may apply for an expungement when their sentence is complete, even if they have violated probation, subject to other criteria such as timing, subsequent convictions, and disposition.

Maryland’s robust expungement legislation is a testament to the power of second chances, and acknowledges the real harm done by overcharging and overincarceration. Over the past several years, the Maryland General Assembly has increased expungement opportunities for Marylanders.

Unfortunately, a 2022 Appellate Court decision dealt a decisive blow to expungement by finding that probation violations preclude a person from receiving an expungement. In *Abhishek*¹, the Court held that the appellant was not entitled to an expungement of an otherwise eligible theft conviction because his probation for that case was closed as unsatisfactory when he was convicted of marijuana possession, now a decriminalized offense, during his probationary period.

Prior to this decision, “satisfying” a sentence was viewed as synonymous with completing a sentence. The *Abhishek* interpretation means that a Marylander who has served their time and met all other statutory expungement requirements cannot receive an expungement if they violated probation, even if that violation occurred decades ago, was a technical violation, or even if the judge reinstated their sentence after closing probation by sending them to jail or prison.

¹ *In re Expungement Petition of Abhishek I.*, 255 Md.App. 464, 282, A.3d 318, (2022).

Linking expungement eligibility to probation violations disproportionately impacts Marylanders recovering from substance abuse and is antithetical to the rehabilitative purpose of expungement.

The opioid epidemic devastated low-income communities across Maryland. The impacts are still deeply felt and ongoing in every Maryland county, but especially so in historically underserved communities, like the rural pockets of Western Maryland and the Eastern Shore, and the historically Black neighborhoods of Baltimore City.

Probation violations occur for many reasons, but MLA sees clients violating probation most often because they were arrested and sentenced during a time when they were struggling with substance abuse. These clients received probation terms requiring negative drug tests. However, without resources, therapy, and time, it was virtually impossible for them to stay clean and meet their probation requirements. Many accepted an unsatisfactory probation closure to avoid further violations that could result in reinstatement of their sentence and jail time. These clients then went on to successful rehabilitation and sobriety, only to be denied expungement 15 or 20 years later because of an old probation violation.

A criminal record expungement is often one of the last steps on the path for someone to fully reenter their community and participate in family life by obtaining work and stable housing. The *Abhishek* case has taken away that possibility for our clients, and many other Marylanders who want nothing more than a fresh start.

Linking expungement eligibility to probation violations disproportionately impacts low-income Marylanders.

MLA clients also violate probation simply because their low-income status makes it more difficult, and sometimes impossible, to meet technical conditions of probation, such as in-person check-ins. Those check-ins may seem basic, but they often require childcare, transportation, time off work, and other obstacles that make compliance nearly impossible. When faced with the possibility of remaining on probation, violating again, and receiving jail time, many clients choose to unsatisfactorily close out their probation.

SB 0432 provides a simple fix regarding sentence completion that clarifies legislative intent without eroding judicial or prosecutorial discretion.

Prior to the September 2022 *Abhishek* decision, expungement petitions were regularly filed for charges that had probation violations. Some of these were granted with no issue; for others, the State objected and a hearing was set before a judge who decided the matter. The current version of the expungement statute gives the State discretion to file an objection based on the interest of justice. For crimes with a victim, the statute requires the court serve the expungement petition on the victim, so they too can object to the expungement and be heard. The statute also grants the Judiciary discretion when determining if a conviction can be expunged, by allowing the judge to make a factor-based analysis. The current factors include the nature of the crime, the history and

character of the person, the person's success at rehabilitation, whether the person is a risk to public safety, and whether the expungement would be in the interest of justice. None of these guardrails will disappear because of SB 0432.

In fact, SB 0432 clarifies, with specificity, that restitution and probation violations may be taken into consideration by a judge when considering whether a conviction is eligible for expungement during an expungement hearing.

Expungement expansion creates economic opportunity for Marylanders.

SB 0432 expands the universe of expungable charges to include writing bad checks, credit card theft, obtaining a prescription by fraud, resisting arrest, false report to an officer, false statement to an officer, and driving without a license. Adding these low-level, common charges will remove barriers to employment and housing for many MLA clients.

SB 0432 also ensures that Marylanders with old cannabis convictions do not face barriers to work or housing because of publicly available criminal records viewable on Maryland Judiciary Case Search. In June 2024, Governor Wes Moore pardoned Marylanders with low-level cannabis offenses. Pardons and expungements are not synonymous, and even though there are expungement laws for cannabis, the paper trail for criminal convictions can be lengthy and complicated. Prohibiting reference to pardoned charges on Maryland Judiciary Case Search protects Marylanders from being discriminated against for those charges.

SB 0432 also corrects a current inconsistency within expungement law by requiring automatic shielding of stet dispositions, after completion of a three-year waiting period. This is consistent with current expungement law, which requires automatic shielding of other favorable dispositions, such as dismissal, nolle prosequi, and not guilty.

Stet dispositions are not shielded under current law, and are available for view by anyone via Maryland Judiciary Case Search. Cases are placed on the stet docket when the State has decided not to move forward with the case, but is reserving the right to reopen it in the future. No finding of fact is made. After a year has passed, the disposition can be reopened only for good cause, and the charge is eligible for expungement after three years.

When a case is shielded, the case is still on the person's criminal record; however, shielding the case from the public helps prevent prejudicial outcomes. Many people have no understanding of legal terms and would not know that a stet or nolle prosequi was different than a conviction. A landlord or employer could search a person's name on Maryland Judiciary Case Search, see the associated charges, and make decisions about housing or job placement without realizing the person was never convicted of the offense.

MLA urges passage of SB 0432, to preserve expungement opportunities for all Marylanders.

If you would like additional information on this bill or the underlying issues it addresses, please contact Meaghan McDermott, Maryland Legal Aid's Advocacy Director for Community Lawyering and Development, at mmcdermott@mdlaborg.

SB 432 (Abishek) 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
DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

**BILL: SB0432 Criminal Records – Expungement and Maryland Judiciary Case Search
(Expungement Reform Act of 2025)**

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 2/5/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 432. Expungement of a criminal record is an important component of ensuring that a person who has served time on a criminal conviction and is pursuing a productive law-abiding life in the community has access to housing, employment, professional licensures, and other basic needs. It also reduces the systemic barriers that arise from the racial disparities in the criminal legal system and perpetuate cycles of poverty and marginalization.

Senate Bill 432 provides two important measures to further the goals of expungement: (i) it restores eligibility based on the completion of the sentence, with probation or parole violations as a factor for judicial review rather than automatic ineligibility; and (ii) it expands the charges eligible for expungement to include misdemeanor offenses that are currently omitted from Criminal Procedure Law 10-110.

Amending CPL 10-101 to Define Completion of a Sentence

Since 2015, Maryland law has recognized that providing people with a criminal conviction with the opportunity to clear their criminal record is an important safety component so that people who have been convicted of a crime can thrive and grow beyond their mistakes. In that year, the

Second Chance Law provided for a limited list of misdemeanors to be eligible for shielding after three years. 2015 CH 313. With the Justice Reinvestment Act of 2016, the General Assembly extended this approach by authorizing the expungement of enumerated misdemeanors after a 10-year waiting period without subsequent convictions. 2016 CH 515 (codifying Crim. Proc. L. § 10-110). Since then, expungement law has incrementally expanded nearly every year, through the introduction of additional offenses eligible for consideration and/or a decrease in the waiting period for expungement to be granted. As recently as 2023, the General Assembly passed the REDEEM Act, which reduced the waiting period for criminal record expungement by one-half. 2023 CH 683.

Despite the consistent legislative intent to expand the opportunity for second chances, in 2022, the Appellate Court of Maryland drastically curtailed access to expungement. *In Re Expungement Petition of Abishek I.*, 255 Md. App 464 (2022) held that a violation of probation prevents an otherwise eligible conviction from ever being expunged because the individual has not “satisfactorily completed the sentence.” This decision – which did not distinguish between the types of violations nor provide for any judicial discretion – has counteracted the ongoing efforts to make expungement more available for individuals who have served their time and seek pathways to work, housing, and family stability.

Violations of probation vary greatly. Serious violations typically result in a new criminal charge, which even prior to *Abishek I.*, would preclude expungement unless and until that charge is also able to be expunged. Technical violations vary widely and can be the result of missing a single call or meeting with one’s probation officer, being terminated from court-ordered employment, or failing a drug test. These setbacks, which often the result of a substance use disorder, are a common part of the rehabilitation and recovery process that should not indefinitely preclude a person from moving forward in their reentry journey.

Senate Bill 432 will restore the law as interpreted prior to *Abishek I.* It will allow for expungement consideration after the completion of the sentence and the applicable waiting period. The requirements and restrictions currently in place – including no pending criminal matters, no subsequent ineligible convictions, and judicial consideration of any risk to public safety and the interests of justice – remain. Crim. Proc. L. § 10-110(d), (f)(2). In addition, the State’s Attorney or a victim may still file an objection and require a hearing to determine if expungement should be granted. Crim. Proc. L. § 10-110(f)(1). Public policy regarding expungement is better served by allowing the court to assess the appropriateness of expungement after the waiting periods by

considering the person's character, probation or parole history, overall rehabilitation, and whether the expungement as a whole would be in the best interest of justice.

Expanding Eligibility for Additional Misdemeanor Offenses

Expungement availability promotes a more successful law-abiding lifestyle. As noted above, OPD clients generally seek expungement to help with basic fundamental needs, such as securing a job, a professional license, or certain types of housing. Currently, this relief is permanently denied to individuals convicted of driving without a license, counterfeiting prescriptions, stolen credit card, obtaining services by bad check, resisting arrest, and false statement to an officer. The bulk of these charges are tied to substance use disorder and/or poverty, and concern individuals who desperately need the opportunities barred by their criminal history and who pose a low risk to public safety. Where harm has occurred, the charges listed here are generally part of a unit with more serious offenses – such as theft for credit card and bad check offenses; and assault for resisting arresting. Moreover, the judicial review and objections by a State's Attorney or victim provided by Crim. Proc. Law § 10-110(d) will still apply. There is no reason for these misdemeanor offenses to be differentiated from those that already provide for expungement.

*

*

*

The opportunity for expungement is an important mechanism for people to move beyond their mistakes and have the economic and familial stability that promotes a law-abiding life. While the sentencing process looks backwards at prior actions to determine punishment, expungement is forward looking to encourage a more successful law-abiding lifestyle in the future. It restores access to work, housing, and other basic needs after someone has served their time without a new conviction after the designated waiting period. SB 432 is a measured response that recognizes that a technical violation of probation should not indefinitely preclude employment opportunities, and that more misdemeanor charges should be eligible for consideration.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 432.

**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.**

SB432_ShoreLegalAccess_FAVORABLE.pdf

Uploaded by: Meredith Girard

Position: FAV

SB432 Expungement Reform Act of 2025

HEARING BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
2/5/2025

POSITION: FAVORABLE

Shore Legal Access (formerly Mid-Shore Pro Bono) supports SB432. This bill would reverse the adverse impacts of the Abhishek case that prohibits expungement where there has been a violation of probation, reduce waiting time, expand the kinds of records that can be expunged, and remove from public view cannabis possession charges already pardoned by the Governor. These reforms would significantly expand access to clearing criminal records, save valuable legal services resources, and increase opportunities for 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 SB432.

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 assisted over 1,000 people on the Eastern Shore with criminal record expungement.



**SHORE
LEGAL ACCESS**

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Our volunteer attorneys provide the necessary research and document preparation required to file an expungement petition. It is a common situation that our clients have completed their sentence and meet all other requirements, but have had a minor violation of probation, such as failure to pay a fee or file a change of address. These clients are currently prohibited from getting their record expunged. This bill would ensure that people who have already completed their sentence and remained crime-free can clear their record. The bill would also add seven misdemeanors to the list of expungement eligible offenses, significantly expanding the number of people who can clear their record. SLA's clients would greatly benefit from this bill, such as Wayne* who sought assistance to clear a conviction for writing a bad check that has been on his record for 26 years so that he could secure better employment opportunities.

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.

SLA supports SB432 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.

*Not client's actual name to protect confidentiality



SB432 Written Testimony.pdf

Uploaded by: Myles Hicks

Position: FAV



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GOVERNOR

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TTY USERS CALL VIA MD RELAY

Dear Chairman Smith, Vice-Chair Waldstreicher, and members of the committee,

On behalf of Governor Wes Moore, I urge a favorable report on SB432/HB499 - The Expungement Reform Act of 2025. This legislation builds on the Governor's Executive Clemency Order by ensuring prior convictions are not barriers to opportunity. The Expungement Reform Act provides Marylanders better pathways to work, wages, and wealth.

First, the legislation reverses the Appellate Court of Maryland's decision *In Re Expungement Petition of Abhishek I.* and ensures an individual who completed their probation or parole is eligible for expungement. Second, the bill expands the list of non-violent offenses that can be expunged. Third, the bill removes "stet" charges and convictions included within the Governor's Executive Clemency Order from public view on Judiciary Case Search.

These reforms will address Maryland's history of racial injustice, including policies that deliberately targeted communities of color. Criminal records are often barriers to opportunity, denying individuals who have paid their debt to society vital services like housing and employment. Information from the Administrative Office of the Courts show that there were 45,001 petitions for expungement in fiscal 2021 and 38,448 petitions for expungement in fiscal 2022 in both the district and circuit court following the *Abhishek Decision*. By making expungement more accessible and shielding individual's information on Judiciary Case Search, the Expungement Reform Act will protect Marylanders from unfair societal stigmas and help them build a successful future. Governor Moore is proud to sponsor legislation that will make Maryland more just, and I look forward to collaborating with this esteemed body to guide its successful passage.

Sincerely,
Myles Hicks
Deputy Legislative Officer
Office of the Governor

NCADD-MD - 2025 SB 432 FAV - Expungement Reform Ac

Uploaded by: Nancy Rosen-Cohen

Position: FAV



Senate Judicial Proceedings Committee

February 5, 2025

Senate Bill 432

**Criminal Procedure - Expungement - Completion of Sentence
Support**

NCADD-Maryland supports Senate Bill 423. 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.

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Senate Bill 432 seeks to clarify that expungements are to be allowed when the time allotted for the sentence has expired, including mandatory supervision and the waiting period.

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 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 432.

SB0432 - Expungement Reform Act.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 SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

Thank you for your time, service, and consideration.

Sincerely,

Rebecca Shillenn

5401 Elsrode Avenue Baltimore MD 21214

Showing Up for Racial Justice Baltimore

¹ 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/>

UBalt Law Criminal Defense Clinic_FAV_SB 432_2025.

Uploaded by: Regan Thorp

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432

Criminal Records – Expungement and Maryland Judiciary Case Search Expungement Reform Act of 2025

TO: Members of the House Judiciary Committee

FROM: Criminal Defense and Advocacy Clinic, University of Baltimore School of Law

DATE: February 5, 2025

The Criminal Defense and Advocacy Clinic directly represents indigent clients through various stages of their criminal cases, including post-conviction litigation. Through our work on expungement cases, we have the unique experience of representing clients in an academic setting. We are committed to ensuring equitable outcomes for individuals in our justice system, and Senate Bill 432 remedies the injustices stemming from *In re Abhishek*, 255 Md. App. 464 (2022). Senate Bill 432 restores the original goal of Maryland’s expungement system at no cost to the administration of justice. We strongly urge the Judicial Proceedings Committee to provide a favorable report on Senate Bill 432.

I. Senate Bill 432 remedies the injustices stemming from the *Abhishek* decision.

Senate Bill 432 directly responds to the Appellate Court of Maryland’s decision in *Abhishek*. *Abhishek* categorically denies expungements to individuals who violate their probation and have their probation closed “unsatisfactorily.”¹ The court reached this conclusion by narrowly interpreting the phrase “satisfactory completion of the sentence” in Criminal Procedure [§ 10–105](#) and “satisfies” in [§ 10–110](#).² This interpretation perpetuates injustice by failing to appropriately account for the wide variety of probation violations, critically weakening the preexisting individualized expungement process, and undermining this Legislature’s goal to expand access to expungements under the REDEEM Act of 2023. Senate Bill 432 rightfully overturns this interpretation by removing all references to the “satisfactory completion of the sentence” standard in favor of the broader “completion of the sentence” language and definition. These changes remove *Abhishek*’s categorical bar to expungement and restore the importance of individualized hearings and judicial discretion.

II. *Abhishek* inequitably treats all probation violations the same regardless of the violation’s severity and the individual circumstances.

Probation violations usually fall into two broad categories, technical violations and non-technical violations.³ Technical violations occur when someone violates the conditions of

¹ *In re Abhishek*, 255 Md. App. at 476-77.

² *Id.* at 473-77.

³ See Correctional Services § 6-101(m).

probation not including new violations of the law, absconding, and violating a protective order.⁴ According to the Maryland Division of Parole and Probation (DPP) Operations Manual, the average individual on probation has 12 standard conditions and could be subject to additional special conditions.⁵ A person on probation could receive a technical violation for missing a day of work or submitting their new address to their probation officer a few days late. Under *Abhishek*, these technical violations could prevent the individual from getting an expungement indefinitely. SB 432 would change this inequitable reality and restore the fair and just individualized process.

III. *Abhishek* could categorically bar expungements to thousands of people each year.

Abhishek categorically denies expungements to individuals who violated their probation and had their probation closed “unsatisfactorily.”⁶ According to the Maryland DPP Annual Data Dashboard, thousands of case closures could be subject to *Abhishek*’s holding.⁷ For example, in fiscal year 2023 alone, 3,371 probation cases were revoked due to technical violations or closed as “unsatisfactory.”⁸ The “unsatisfactory” closures occur without a court finding a person guilty of a probation violation.⁹ Under these conditions and regardless of the seriousness of the individual’s conduct, “unsatisfactory” closures forever deny expungements to a significant number of people each year.

IV. Barring expungements leads to significant economic and collateral consequences for individuals, particularly individuals of color.

A criminal record substantially impacts an individual’s wages and job opportunities. For starters, about 90% of employers ask job applicants about their criminal background.¹⁰ Moreover, in one study, researchers found that a criminal record decreases the probability of receiving a job offer or callback interview for young men by approximately 50%.¹¹ This decrease is even more pronounced for Black job applicants where a conviction reduces their chances of getting a job offer by 60%.¹² Individuals with convictions also earn less than their peers. For example, Michiganders who received expungements saw their average wages increase by 23% within one year of the

⁴ *Id.*

⁵ Div. of Parole & Prob., DPP.300.0701, Operations Manual: Ch. 7 Supervision and Monitoring, sec. 1, p. 5–6 (2023), <https://itcd.dpscs.state.md.us/PIA/ShowFile?fileID=4571>. Standard conditions include (1) reporting to and obeying your probation officer, (2) work or attend school, (3) get permission from your probation officer before moving homes, (4) obtain permission before changing your job, (5) obtain permission before leaving Maryland, (6) obtain permission before owning, using, or possessing a dangerous weapon or firearm, (7) obey the law, (8) promptly notify your probation officer if you are charged with a criminal offense, (9) permit any home visits by your probation officer, (10) do not use, sell, or possess illegal controlled dangerous substances or paraphernalia, (11) appear at court when told to do so, and (12) pay all fines, costs, restitution, and fees ordered by the Court.

⁶ *In re Abhishek*, 255 Md. App. at 476-77.

⁷ Dep’t of Pub. Safety & Corr. Servs., Division of Parole and Probation Annual Data Dashboard, at p. 6, https://www.dpscs.state.md.us/community_releases/DPP-Annual-Data-Dashboard.shtml

⁸ *Id.*

⁹ This applies to both technical and non-technical violations. Dep’t of Pub. Safety & Corr. Servs., Division of Parole and Probation Annual Caseload Report, at p. 19 (Sept. 15, 2024), https://dlslibrary.state.md.us/publications/JCR/2024/2024_175_2024.pdf

¹⁰ The Sorenson Impact Institute, *Driving Impact And Equity Through Criminal Record Expungement*, (Nov. 2023), <https://www.forbes.com/sites/sorensonimpact/2023/11/29/driving-impact-and-equity-through-criminal-record-expungement/>.

¹¹ Devah Pager, Bruce Western, and Naomi Sugie, *Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records*, *The Annals of the American Academy*, at pg. 199 (2009).

¹² *Id.*

expungement.¹³ Beyond wages and employment opportunities, a conviction can also impact an individual's ability to find adequate housing, obtain licenses, receive loans, and so much more.¹⁴

V. Expanding the right to expungement would also benefit Maryland's economy.

Overturing *Abhishek* and expanding individuals' opportunities to receive an expungement could significantly increase Maryland's GDP and tax revenue. For example, one study determined that the legal restrictions on individuals with felony convictions cost the national economy \$78 to \$87 billion in GDP in 2014.¹⁵ Moreover, a cost-benefit analysis focusing on expungements in Santa Clara County, California found the benefits of expungement outweighed the costs by \$5,760 per person.¹⁶ That government's GDP and tax revenue also increased by an estimated \$1,153 and \$750 per person respectively.¹⁷ By eliminating *Abhishek*'s categorical ban, Maryland could see a significant increase in its revenue each year.

VI. *Abhishek* undermines the preexisting expungement process, which appropriately considers each person's unique situation.

To overcome the injustices and costs described above, an individualized expungement process that evaluates each person's unique situation is the appropriate solution. Luckily, this process already exists, was endorsed by the REDEEM Act, and was the norm for people with probation violations before *Abhishek*. When an individual petitions for an expungement pursuant to [Criminal Procedure § 10–110](#), the State's Attorney and any victims are given notice and opportunity to object to the petition. If the State's Attorney or a victim files an objection, the court will hold a hearing.¹⁸ After hearing from both sides, the court takes into account "the nature of the crime, the history and character of the person, and the person's success at rehabilitation."¹⁹ If the individual and the conviction are both eligible for expungement and the court finds that an expungement would be in the interest of justice and that the person is not a public safety risk, then the court will grant the expungement.²⁰ But the judge still has the authority to deny the expungement at this stage as well, even if the person is eligible for an expungement.²¹ The removal of the "satisfactorily completed" requirement will restore this individualized process rather than unfairly cutting off any possibility of expungement forever.

¹³ J.J. Prescott and Sonja B. Starr, *The Power of a Clean Slate*, at pg. 29, 34 (Summer 2020), <https://www.cato.org/sites/cato.org/files/2020-06/regulation-v43n2-3.pdf>.

¹⁴ *Id.* at 30.

¹⁵ Cherrie Bucknor and Alan Barber, *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*, Center for Economic and Policy Research, at pg. 3 (June 2016), <https://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>.

¹⁶ Meyli Chapin, Alon Elhanan, Matthew Rillera, Audrey K. Solomon, and Tyler L. Woods, *A Cost-Benefit Analysis of Criminal Record Expungement in Santa Clara County*, at pg. 6 (March 2014), <https://www.sjsu.edu/rcp/docs/legal-services/Cost-Benefit%20Analysis%20of%20Expungement.pdf>.

¹⁷ *Id.*

¹⁸ Criminal Procedure § 10-110(f).

¹⁹ Criminal Procedure § 10-110(f)(2)(iii).

²⁰ Criminal Procedure § 10-110(f)(2).

²¹ Criminal Procedure § 10-110(g).

VII. SB 432 will provide significant benefits to individuals and Maryland at no cost to the administration of justice, victims, or public safety.

A. SB 432 will not enable expungements while a violation of probation is pending.

An individual's sentence cannot expire while a violation of probation is pending; thus, a person **cannot** seek an expungement before a probation violation issue is resolved because the sentence is not complete.²² Senate Bill 432 still requires that a person complete their sentence and wait 5-10 years before petitioning for an expungement.²³ Furthermore, in DPP's Operations Manual, "an agent may not close a case" "that reaches its legal expiration date, if a violation proceeding is pending."²⁴

B. SB 432 will not affect restitution orders and the *Abhishek* decision does not affect whether a victim receives restitution.

Abhishek and SB 432 do not affect a victim's ability to receive restitution as paying restitution is required before a sentence expires or is completed. Paying restitution is often a condition of probation, and failing to pay restitution can lead to a probation violation. DPP's Operations Manual prevents an agent from closing a case "with unpaid fines, costs, or restitution unless the unpaid monies are: (i) Waived by a court; or (ii) referred to the Central Collection Unit."²⁵ The Maryland Code also permits probation to be extended by 3-5 years solely for the purpose of making restitution.²⁶ A restitution order can also be enforced as a money judgment in a civil action,²⁷ so even if a person's probation record is expunged, the record of that restitution can still exist as a civil judgment.²⁸ Additionally, SB 432 would require a judge to consider whether or not an individual had fully paid any restitution in order to grant the expungement. These are adequate safeguards to ensure that the victim receives what they are entitled to.

²² *But see* Written Testimony in Opposition to 2024 House Bill 73 from the Maryland Chiefs of Police Association and the Maryland Sheriffs' Association to the House Judiciary Committee (Mar. 5, 2024), 5, 2024), https://mgaleg.maryland.gov/cmte_testimony/2024/jud/1eL6dfGNj98ANBqVPcXswZR1xLH0ERRUM.pdf (asserting the presence of a nonexistent loophole in which that a person could petition for an expungement while a violation of probation is pending before a judge is able to revoke probation).

²³ Furthermore, if an individual is convicted of a new crime within this waiting period, the clock starts over. (Criminal Procedure § 10–110(c)(2)). An individual could be one day away from being able to file a petition to expunge their conviction and because they incurred a new conviction, they will have to complete their new sentence and then wait another 5-10 years before being able to file a petition for expungement for both of those convictions.

²⁴ Div. of Parole & Prob., DPP.300.0701, Operations Manual: Ch. 7 Supervision and Monitoring, sec. 1, p. 33-34 (2023), <https://itcd.dpscs.state.md.us/PIA/ShowFile?fileID=4571>.

²⁵ *Id.* at p. 34.

²⁶ Criminal Procedure § 6-222(b)(1). Probation may be extended by 3 years if the probation was originally ordered by the District Court or 5 years if probation was originally ordered by the Circuit Court.

²⁷ Criminal Procedure § 11-608.

²⁸ Criminal Procedure §§ 11-609–610. The judgement of restitution from the Circuit Court is automatically indexed as a civil judgement, however, this does not apply in the District Court where the person being paid restitution must request that the judgement be indexed as a civil judgement. If the District Court terminates an individual's probation then the District Court has the judgement of restitution recorded and indexed as a money judgement of its own accord. Criminal Procedure § 11-612; *but see* Written Testimony in Opposition to 2024 House Bill 73 from the Maryland State's Attorneys' Association to the House Judiciary Committee (Mar. 5, 2024), https://mgaleg.maryland.gov/cmte_testimony/2024/jud/1spSZEqBMcxrybqL0tTJKhgoVUQL-6Ap7.pdf (claiming that a defendant who receives an expungement no longer has "any obligation to the victim" with regards to unpaid restitution).

C. *SB 432 does not diminish the importance of an individual's behavior while on probation.*

Even with SB 432's changes, probation violations still result in significant consequences for individuals such as the revocation of probation, incarceration, increased conditions, and more. With technical violations, for example, the court can incarcerate an individual for 15, 30, or 45 days depending on the number of prior violations.²⁹ In addition, the court could sentence the person to a longer period if certain statutory factors are met.³⁰ Lastly, as described above, the State and victim have an opportunity to object and argue against an individual's expungement petition.³¹ As such, an individual's prior conduct could influence the court to deny the expungement

SB 432 remedies injustice and provides tremendous benefits to individuals and Maryland. By restoring the individualized expungement process, SB 432 eliminates *Abhishek's* inequitable categorical ban, expands access to expungement to thousands of people, reduces the economic consequences of a conviction for individuals, and spurs economic growth in Maryland without cost to the administration of justice, victims, or public safety. **For these reasons, the Criminal Defense and Advocacy Clinic urges this Committee to issue a favorable report for SB 432.**

Authored by: Student Attorney Wyatt Miles (wyatt.miles@ubalt.edu), Student Attorney Regan Thorp (regan.thorp@ubalt.edu), and Professor Katie Kronick (kkronick@ubalt.edu).

²⁹ Criminal Procedure § 6-223(d)(2); *but see* Written Testimony in Opposition to 2024 House Bill 73 from the Maryland State's Attorneys' Association to the House Judiciary Committee (Mar. 5, 2024), https://mgaleg.maryland.gov/cmte_testimony/2024/jud/1spSZEqBMexyrbqL0tTJKhgoVUQL-6Ap7.pdf (stating that many Judges don't bother to find a violation because "the most a Judge could do is put the person in jail for 15 days.").

³⁰ Criminal Procedure § 6-223(e).

³¹ Criminal Procedure § 10-110.

SB432 State of Maryland Office of the Attorney Gen

Uploaded by: Rhea Harris

Position: FAV

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: Rhea L. Harris
Deputy Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 432- Criminal Records – Expungement and Maryland Judiciary
Case Search (Expungement Reform Act of 2025) - **Support**

The Office of the Attorney General (OAG) supports Senate Bill 432 and requests a favorable vote.

SB 432 alters provisions of law relating to waiting periods for the filing of petitions for expungement to authorize the filing of a petition to the amount of time after the completion of the sentence; and adds to the list of misdemeanor convictions that a person may expunge under circumstances; requires a court to determine that a person seeking an expungement has paid restitution ordered by the court or cannot pay the restitution; and prohibits the Maryland Judiciary Case Search from in any way referring to the existence of certain records.

SB 432 is in response to the *Abhishek* ruling by the Court of Special Appeals (now the Supreme Court) in a reported opinion. In *Abhishek*, the Court stated that the “appellant violated the terms of his probation, and the court closed his probation unsatisfactorily, he did not ‘satisfy’ his sentence of probation. The circuit court properly denied his petition for expungement.”¹

SB 432 clarifies what is considered as “satisfaction of a sentence.” SB 432 allows expungement to be accessible at “the time when a sentence has expired, including any period of probation, parole, or mandatory supervision.” This means that once a person has served the entire sentence and finished the additional 5-10-year waiting period, they will be eligible for expungement if the

¹ *In re Expungement Petition of Abhishek I*, No. 904, September Term, 2021.

charge is eligible. The State's Attorney's Office and the victim retain the right to object to the expungement, leaving the courts to decide whether the expungement is in the interest of justice.

Additionally, in *Abhishek*, the appellant violated his probation for the possession of cannabis which is now legal. Governor Moore provided pardons for thousands of these same people in 2024. Due to this violation, Mr. Abhishek is permanently ineligible for expungement, though he waited the required 10-year waiting period and served the length of his incarceration. If SB 432 passes, the thousands of individuals now eligible for expungement will not suffer the fate that Mr. Abhishek did.

For all of the reasons stated above, the Office of the Attorney General requests a **Favorable** vote on Senate Bill 432.

cc: The Governor's Legislative Office
Judicial Proceedings Committee Members

Testimony in support of SB0432 - Criminal Records

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0432_RichardKaplowitz_FAV

02/05/2025

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0432 - POSITION: FAVORABLE
Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ SB#/0432, Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

This bill acknowledges that past enforcement of laws in Maryland have had a disproportionate impact on certain population groups for certain judgements no longer considered criminal offenses requiring severe punishment. This bill is a racial and social justice attempt to correct those miscarriages of justice.

Maryland can correct this by passing this bill which alters certain provisions of law relating to waiting periods for the filing of certain petitions for expungement to authorize the filing of a petition a certain amount of time after the completion of the sentence. The pernicious effects of a criminal record in reestablishing oneself for housing and jobs is well known, this bill aids former convicts in their return to the community after serving a sentence. The bill clarifies which crimes can and should be expunged by adding to the list of misdemeanor convictions that a person may expunge under certain circumstances. It protects persons sentenced under laws since updated and changed on cannabis through prohibiting the Maryland Judiciary Case Search from in any way referring to the existence of a charge of possession of cannabis if the conviction was later pardoned by the Governor.

Many local and national political figures have reacted to Governor Moore’s work to clean the records of persons with cannabis criminal charges.¹ It is universally praised for the actions taken. This bill will make the executive order a law governing Maryland’s treatment of certain criminal offenses and records of them no longer an impediment to persons seeking to go on with their lives without the damages possession of criminal records afflicts on them.

I respectfully urge this committee to return a favorable report on SB0432.

¹ <https://governor.maryland.gov/news/press/pages/what-people-are-saying-about-governor-moore%E2%80%99s-historic-executive-order-pardoning-175000-maryland-cannabis-convictions.aspx>

MD 2025 Testimony - Abhishek .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 432 (Expungement Reform Act of 2025)

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 432, which would remove the current barrier disqualifying numerous probationers from expungement eligibility under the court case of *Abhishek*.

Based on 2022 data from the Division of Parole and Probation (DPP), approximately 43% of the population under supervision did not successfully complete all the terms of their supervision.¹ Applying that rate to the population of 1 million Marylanders with some form of record and considering that approximately 407,000 Marylanders would be eligible for full record relief under the related proposal of SB 398,² at least 175,000 individuals would be excluded from relief if total satisfactory completion is an eligibility requirement.

Research indicates that technical probation violations (e.g., missing an appointment or failing to pay fees) are far more common than new offenses.³ Maintaining a categorical

¹ <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-SB0454-REIN.pdf>

² 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.

³ Widra, Emily. (2024). "One Size Fits None: How 'Standard Conditions' of Probation Set People up to Fail." Prison Policy Initiative. Available at: https://www.prisonpolicy.org/reports/probation_conditions.html

bar to expungement for these infractions undermines the Maryland General Assembly's intent in making the underlying offense eligible for record clearance.

For these reasons, The Clean Slate Initiative recently joined the University of Baltimore School of Law, Center for Criminal Justice Reform, in advocating for the *Abhishek* case to be overturned in the courts through an *amicus* brief. Likewise, *Abhishek* reform was included in last year's Clean Slate proposal. This year, we applaud the Governor and the Senate bill sponsors for introducing this stand-alone measure to address the devastating impact of *Abhishek* on expungement eligibility in the State of Maryland and to make clear the General Assembly's intent when it first enacted the expungement statute.

The consequences of having a record extend beyond the individual to their families and communities. Parents with records face barriers to participating in their children's education and activities, further perpetuating cycles of disadvantage. They often aren't allowed to volunteer in their children's classrooms or chaperone a school field trip. Automatic record sealing can give parents who meet the requirements a second chance to fully show up for their children.

Furthermore, the broader societal and economic impacts of excluding individuals with records from the economy are profound. The U.S. economy loses an estimated \$78-87 billion annually due to reduced workforce participation by individuals with records.⁴ Research also shows that when people have stable jobs that pay a livable wage, they are much less likely to engage in illegal behavior.⁵

Under the current system, the estimated aggregate annual earnings loss associated with clearable convictions 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.⁶ By addressing this categorical barrier to expungement, Maryland can reap the proven benefits of record sealing, particularly in terms of employment, which will add to the state's tax base.

⁴ Bucknor, Cherrie and Alan Barber. "The price we pay: Economic costs of barriers to employment for former prisoners and people convicted of felonies." *Center for Economic and Policy Research*. (June, 2016).

⁵ See LaBriola, Joe. "Post-prison employment quality and future criminal justice contact." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 6, no. 1 (2020): 154-172

⁶ Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney. "The Maryland Second Chance Expungement Gap", Paper Prisons Initiative.

In summary, The Clean Slate Initiative urges the Judicial Proceedings Committee to support SB 432, recognizing the positive impact it will have on the lives of individuals seeking redemption and reintegration into society.

Thank you for your time and consideration.

Sincerely,

Laura Chavez

lchavez@cleanslateinitiative.org

Governor's Expungement Reform Act of 2025 submissi

Uploaded by: Tavon Partlow Sr.

Position: FAV

Governor's Expungement Bill

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 432, the Expungement Reform Act of 2025. This bill allows the expungement of otherwise expungable convictions that have an associated parole, probation or mandatory supervision violation. It also adds several commonsense misdemeanors to the expungement statute.

My personal experience with the legal system has been deeply transformative. Having served 12 years in prison, I understand the harsh realities of the system and the weight of a criminal record. My time behind bars was marked by constant struggles, but it also taught me resilience. I emerged determined to rebuild my life, but despite the changes I made, I still faced significant barriers due to my criminal record. Finding employment, securing housing, and rebuilding a future were all hindered by the shadow of my past mistakes. That's why I believe it's critical to support legislative efforts like SB 432, which would allow individuals who have demonstrated the ability to change to have their records expunged, giving them a real shot at a second chance.

I believe criminal record expungements are important because they provide individuals with the opportunity to move forward and reintegrate into society without the constant burden of their past mistakes. Expunging a record is not about erasing history, but about recognizing a person's potential for growth and transformation. When people are given the chance to rebuild their lives without being permanently marked by their criminal history, they become more likely to contribute positively to their communities and avoid reoffending. Legislative measures like SB 432 are essential for creating a more just and equitable society, where everyone, regardless of their past, has the opportunity to thrive and make a meaningful impact. I urge a favorable report.

Sincerely,

Handwritten signature of Tavon Jamaal Partlow Sr. in black ink, written in a cursive style.

SB0432 - Expungement Reform Act.pdf

Uploaded by: Theresa M. Hoffman

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 43b. **I am testifying in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**



Showing Up for Racial Justice

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement, based on a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence.” This is so regardless of the nature of the violation. This creates a problem that prevents people who violated their probation from ever getting their conviction expunged.

When a person’s conviction is ineligible for expungement, the record of the conviction can have devastating consequences for that person’s life. Potential consequences 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.¹ In short, the potential consequences of unexpunged convictions severely hamper a person’s ability to live a conventional life. Our justice system should instead support people who want to participate fully in society and contribute to their communities. If they cannot get convictions for minor offenses expunged, they face a huge barrier to this participation.

SB0432, sponsored by Governor Moore, would support people petitioning for expungements by lifting the ban on expungements if a probation violation occurred (Abhishek Reform); adding seven (7) common misdemeanors to the expungement eligibility list; and removing all pardoned marijuana charges and 3-year stets from Case Search. These changes to existing expungement law will help ensure that misdemeanors or parole violations do not permanently alter the trajectory of a person’s life. The law will support people in moving on after minor offenses and participating successfully in society.

It is for these reasons that I am encouraging you to vote **in support of SB0432 - Criminal Records - Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025).**

Thank you for your time, service, and consideration.

Sincerely,
Theresa M. Hoffman
803 Seaward Rd., Towson, MD 21286
Showing Up for Racial Justice Baltimore

¹ 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/>

2.03 SB 432- Criminal Records – Expungement and M

Uploaded by: Tonaeya Moore

Position: FAV



SB 432 - Criminal Records – Expungement and Maryland Judiciary Case Search (Expungement Reform Act of 2025)

Senate Judicial Proceedings Committee

February 05, 2025

SUPPORT

Chair Smith, Vice-Chair and members of the committee thank you for the opportunity to submit testimony in support of Senate Bill 432. This bill will reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

According to the Bureau of Justice Statistics (BJS), one in three US adults has a criminal record that will surface in a routine background check. In Maryland, [it is estimated that 1.5 million residents, nearly 25% of the state's population](#), have a visible criminal record. Mass incarceration and hyper-criminalization serve as major drivers of poverty; having a criminal record can present obstacles to employment, housing, public assistance, education, family reunification, building good credit, and more.

The Maryland General Assembly passed the REDEEM Act, which cuts the criminal record expungement waiting period in half. This allows millions of Marylanders to seek relief sooner, only to discover that they are still barred.

Senate Bill 432 seeks to resolve this by altering the expungement criteria to be accessible at "the time when a sentence has expired, including any period of probation, parole, or mandatory supervision," removing the term "satisfies" and "satisfactorily" from the expungement statutes. This means that once a person has served the entire sentence and finished the additional 5-10-year waiting period, they will be eligible for expungement if the charge is eligible. The State's Attorney's Office and the victim still retain the right to object to the expungement in accordance with Criminal Procedure §10-110 f(1), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. The bill also expands the expungement list by adding several misdemeanors and removes all cannabis convictions from Case Search.

For these reasons, we urge a favorable report for SB 432.

Creating Assets, Savings and Hope

SB0432_HB0499_FAV_OFJ.pdf

Uploaded by: Trina Selden

Position: FAV



TESTIMONY IN SUPPORT OF SENATE BILL 432 / HOUSE BILL 499

Expungement Reform Act of 2025

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

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 432 and House Bill 499, which would reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement and expanding the charges eligible for expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) Criminal Procedure under §10–105 and §10-110. The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days’ incarceration, and had his probation closed “unsatisfactorily.”

In December 2020, now *12 years* after the initial conviction, he filed to expunge the misdemeanor - having waited for the required 10 years under [Criminal Procedure §10–110 c\(1\)](#) but was informed that he did *not* qualify for an expungement since he did not satisfy the sentence and probation imposed. After appealing his case, the court ruled that *any* probation violation makes the conviction, regardless of the time passed, the nature of the conviction, or the person’s success at rehabilitation, *permanently ineligible* for expungement. Due to this ruling, he and *every* Marylander with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting period in half. This allows millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.



Senate Bill 432/ House Bill 499 aims to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations.

The bill also removes all pardoned marijuana charges and 3-year stets from Case Search and adds seven (7) common misdemeanors to the expungement eligibility list, which will be huge for Marylanders:

1. [Transportation Article § 16-101](#) - Driving without a License
2. [Criminal Law § 8–106](#) Cashing a Bad Check
3. [Criminal Law §8–610](#) Counterfeiting Prescription
4. [Criminal Law Article §8-204](#) Stolen Credit Card
5. [Criminal Law Article §9-408](#) Resisting Arrest
6. [Criminal Law Article §9-501\(a\)](#) & [§9–502\(a\)](#) - False Statement to an Officer

These charges have been holding our members back from access to employment, housing, education, licensing, and financial assistance for decades *after* they have completed their sentence *and* paid back their debt to society. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to reacclimate into society properly. We sincerely thank the Moore Administration for raising this challenge for its constituents, and we urge a favorable report.

SB432

Uploaded by: Uluoma 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 offers strong favorable support for Senate Bill 432 (SB 432) Expungement Reform Act of 2025. This bill introduces crucial reforms to Maryland's expungement process by reducing waiting periods, expanding eligibility for record clearance, and prohibiting the Maryland Judiciary Case Search from displaying certain case records. **Senate Bill 432 is a 2025 Black Caucus legislative priority bill.**

In Maryland, Black communities are disproportionately impacted by the long-term consequences of criminal records due to systemic racial disparities in policing and sentencing. [The Maryland State Commission on Criminal Sentencing Policy](#) found that Black Marylanders are arrested and convicted at higher rates than their white counterparts for similar offenses, particularly for nonviolent drug-related crimes. [The collateral consequences of a criminal record create significant barriers](#) to employment, housing, and economic stability, perpetuating cycles of poverty and disenfranchisement. SB 432 ensures that individuals who have completed their sentences, including probation and parole, can more swiftly seek expungement, removing unnecessary obstacles to full reintegration into society.

The bill's expansion of expungement eligibility and restrictions on public case records will help reduce the stigma associated with past convictions, allowing Black Marylanders greater access to jobs, education, and stable housing. Research indicates that expungement significantly improves employment prospects, with one study finding that [wages increase by over 20%](#) within a year of record clearance. Additionally, SB 432 provides justice for those convicted of cannabis possession—offenses that have historically been enforced disproportionately against Black individuals—by ensuring that pardoned convictions are removed from public view.

SB 432 directly addresses racial inequities in the criminal justice system by giving individuals a fair chance to rebuild their lives and contribute to their

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communities. It aligns with the Black Caucus' commitment to advancing economic justice, reducing barriers to opportunity, and dismantling systemic policies that disproportionately harm Black and minority communities in Maryland.

For these reasons, the Legislative Black Caucus of Maryland strongly supports **Senate Bill 432** and urges this committee to vote favorably.

Legislative Black Caucus of Maryland

Vondell_Morrison_FAV_432.pdf

Uploaded by: Vondell Morrison

Position: FAV

Dear Chair Smith and the Judicial Proceedings Committee,

My name is Vondell Morrison and I am a resident of District 40. I am writing in support of SB 432, the Expungement Reform Act of 2025. This bill allows the expungement of otherwise expungable convictions that have an associated parole, probation or mandatory supervision violation. It also adds several commonsense misdemeanors to the expungement statute.

23 years ago, when I 18, I was incarcerated for the first time. This was a wake-up call for me to acknowledge the need for personal change. Taking accountability for the decisions I made that led to incarceration taught me the importance of what will contribute to a brighter and more positive impact in the future. I have experienced probation and parole, which can be very hard not to violate for minor things. My first violation was for a small misdemeanor. The misdemeanor had nothing to do with the conviction and should not be a barrier for being expunged.

I believe criminal record expungements are important because it gives us greater access to training and jobs that will provide a more substantial and financially secure way of living. I also know that having criminal records expunged will decrease poverty at a great level.

I urge a favorable report.

Sincerely,

Vondell Morrison

Bill Expungement Testimony SB0432.pdf

Uploaded by: Steven Mcdonald

Position: FWA

Bill SB0432/HB0499
Support with amendments (FWA)

Steven McDonald
45 elder place, Indian Head, MD,
20640

My name is Steven McDonald. I live in Charles County. I am also an out for justice member. I'm here to ask for an amendment to add section **5-701** to expungement article. In expungement article 10-110 Under an existing section **5-601 (2) (ii)** and now **section 8-601(B) (3) (Counterfeiting prescription)** being introduced. In both statutes text language, my current charge intended to be covered. Charge **prescription obtain alter order** is covered in section **5-701 (d) (4) dispensing prescription drugs) CJIS : 1 -0267**. I'm asking for consideration to add section **5-701** due to legislation already covering my charge in two sections language. All three sections intend to cover all prescription crimes, but most charges are under **5-701** where many people are not eligible for expungement. Also, all charges in **5-701** are low level misdemeanors carrying max sentences of 2 years with the lowest seriousness Drug category **VII** under Maryland sentencing guidelines (**attached**)

My background is my criminal history was linked to a prescription opiate addiction I picked up in high school after I was in a severe car accident at 18 years old and without being educated on addiction from my doctor, I fell into a down spiral of chronic addiction to oxycontin that took 6 years of my life and family away from me. When I was released from incarceration in 2014, I set goals for myself and since I achieved. I graduated in 2020 from a five-year apprenticeship with local 5 plumbers and gas fitters with multiple licenses, and I recently passed my master plumber's test. I have been drugfree for 10 years from all substances. I have a wife with three children now, which I'm the sole provider. But for me and many others I carry a burden of a criminal record that can't be expunged. It has had a tremendous hardship on my life and family. Even though I have my plumber licenses. Over 70% of jobs in the local 5 union are government or require a background check to be allowed on the job site and I'm being laid off constantly. Also I'm having trouble getting housing. I'm asking if you can add section **5-701 CJIS:1-0267** in the new legislation article 10-110. I would be extremely grateful, and it would benefit many others who lived through the prescription opioid crisis and have similar convictions. Thank you so much for your time and pray you will consider my request. This will help me, and others advance in their career and life ahead. Also I am a sponsor and a speaker in NA association and many recovering opioid addicts hundreds of people have related convictions and Violations of probation for simply being homeless or have relapsed and are not eligible for expungement when they recover. Thank you.

§ 5-601 (possessing or administer controlled dangerous substance) (Existing law)

- Possessing or administering controlled dangerous substance - prohibits a person from (1) possessing or administering to another a controlled dangerous substance, unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice; or (2) obtaining or attempting to obtain a controlled dangerous substance, or procuring or attempting to procure the administration of a controlled dangerous substance by: (i) fraud, deceit, misrepresentation, or subterfuge; **(ii) the counterfeiting or alteration of a prescription or a written order;** (iii) the concealment of a material fact; (iv) the use of a false name or address; (v) falsely assuming the title of or representing to be a manufacturer, distributor, or authorized provider; or (vi) making, issuing, or presenting a false or counterfeit prescription or written order

§ 8-610 (Counterfeiting prescription) (Introduced in bill sb0432)

(a) In this section, "prescription" includes an order, paper, and recipe purported to have been made by an authorized provider, as defined in § 5-101 of this article, for a drug, medicine, or alcoholic beverage.

(b) A person may not:

(1) knowingly counterfeit, cause or procure to be counterfeited, or willingly aid or assist in counterfeiting a prescription.

(2) knowingly issue, pass, or possess a counterfeit prescription; or

(3) obtain or attempt to obtain a prescription drug by fraud, deceit, or misrepresentation.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years.

§ 5-701 (D) (4) Dispensing prescription drug) (asking to amend into bill sb0432)

(4) obtain or attempt to obtain a prescription drug by:

(i) fraud, deceit, or misrepresentation;

(ii) the counterfeiting or altering of a prescription or written order;

(iii) concealing a material fact;

(iv) using a false name or address

Guidelines Offense Table sb0432.pdf

Uploaded by: Steven Mcdonald

Position: FWA

COMAR#	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Serious. Categ.	Fine
113-1	Counterfeiting Counterfeiting prescription	1-0180 2-0262 2-2502 2-2530	CR, §8-610	Misd.	2Y		Property	VI	
307	Prescription Drugs and Other Substances Possession—prescription drugs—manufacture, distribute, etc.; obtain by fraud, etc., forgery, etc., label property, destruction	1-0010 1-0264 1-0265 1-0266 1-0267 1-0268 1-0269 1-0270 1-0271	CR, §5-701(d)	Misd.	2Y		Drug	VII	\$1,000
69-1	CDS and Paraphernalia Possession—unlawful possession or administering to another; obtaining, etc., substance by fraud, forgery, misrepresentation, etc.; affixing forged labels; altering etc., label—non-cannabis, 1 st offense	1-1110 1-1111 1-1112 1-1113 1-1114 1-1115 1-1117	CR, §5-601(c)(1)(i)	Misd.	1Y		Drug	VII	\$5,000

Above is the three sections covering prescription crimes. In all sections they intend to cover obtain a prescription by fraud but only 5-701(d) is the only section covering the crime CJIS: 1-0267. please consider adding a amendment for section 5-701 (d) with section 8-610 thats is currently in bill SB0432. 5-610 language in existing expungement law intends to cover it . Also 5-701 is in the less serious crime category which is VII and 8-610 is VI these both are low level misdemeanor crimes. please take in consideration these facts see if its appropriate for a legislative fix. thank you for your time.

(1) Charge Description: Cds Prescription Obtain Altering Order) Charge Class: Misdemeanor

CJIS: 1-0267 Statute Code: CR.5.701.(d)(4) Case Number: 08-K-11-000931

steven mcdonald

MCPA-MSA SB 432 Expungement and MD Case Search OPP

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: Darren Popkin, Executive Director, MCPA-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 432 CRIMINAL RECORDS - EXPUNGEMENT AND MARYLAND
JUDICIARY CASE SEARCH (EXPUNGEMENT REFORM ACT OF 2025)**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 432**. This bill allows expungement requests to be made at the completion of the sentence, defined as when the sentence has expired, excluding any period of parole, probation, or mandatory supervision. Additionally, this bill allows an expungement to be ordered if the person has paid any monetary restitution ordered by the court, as opposed to the previous requirement of full payment of restitution.

This bill would effectively overrule the existing judicial opinion from 2022 heard before the Appellate Court of Maryland in the case *in re Abhishek I.* 282 A.3d 318, 255 Md. App. 464. As written, this bill would replace the requirement for the “satisfactory” completion of a sentence with simply the completion of a sentence. In this case, Abhishek filed a petition to get his theft conviction from several years prior expunged. However, the court denied this petition because during the time that Abhishek was on probation, he went on to commit another crime. Therefore, he had not satisfied his sentence because while on probation, he committed a new crime. The court found that the denial of this expungement was proper because “the appellant did not fulfill, comply with, or meet the terms of his probation, and pursuant to the plain meaning of CP § 10-110(c)(1), he did not ‘satisfy’ his sentence of probation.”

SB 432 seeks to change the terms for completion of a sentence. Individuals would no longer have to complete the sentence to “satisfaction” and completion of probation would no longer be

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required for charges to be eligible for expungement. The removal of “satisfactory” completion of a sentence and completion of probation are meaningful. The word “satisfactory” is important. Requiring that a sentence be “satisfactorily” completed in order to have a conviction expunged provides an incentive for individuals to comply with probation, parole, and conditions of the sentence. Removing completion of parole as a requirement further erodes consequences.

Considering the above, this bill’s allowance for expungements to be filed or granted prior to the completion of parole, probation, or mandatory supervision would have negative, and likely unintended, impacts on our communities. For these reasons, MCPA and MSA OPPOSE SB 432 and urge an UNFAVORABLE report.