



## Testimony for the House Judiciary Committee

March 4, 2025

### HB 55 - Criminal Procedure – Expungement of Records – Good Cause

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The ACLU of Maryland supports HB 55 which allows a person to file a petition for expungement of any misdemeanor or felony conviction after the completion of their sentence and/or supervision. A court would then be able to grant a petition for expungement at any time after considering certain criteria.

#### **Criminal records exclude individuals from employment, educational opportunities, public benefits, and stable housing.**

For far too many Marylanders, a criminal record —regardless of how minor the offense can be a bar to opportunities for success. The collateral consequences reach far beyond employment—a criminal record may compromise one’s eligibility for loans, educational opportunities, and housing. Moreover, these collateral consequences are particularly stark for communities of color.

Studies routinely show that access to stable employment reduces the likelihood of recidivating and improves public safety.<sup>1</sup> However, a criminal record still serves as a major barrier to employment opportunities. Although the Maryland General Assembly has passed Ban the Box in 2020, protections for job applicants under the law are limited, largely expiring after the applicant’s first interview. Additionally, employers can still conduct background checks on employees and access information about someone’s criminal history.

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<sup>1</sup>[https://ijcjs.com/menu-script/index.php/ijcjs/article/download/141/84/163?\\_cf\\_chl\\_tk=BvqxSsly1AsDIKuEGL.H.m1xW87bRchYqIF\\_JeZS50-1740756733-1.0.1.1-BvpjlusoJV.u.zekBTpJRAmPj.D0vkKFSTzy1Jh5I;https://counciloncj.org/does-stable-employment-post-release-reduce-recidivism/](https://ijcjs.com/menu-script/index.php/ijcjs/article/download/141/84/163?_cf_chl_tk=BvqxSsly1AsDIKuEGL.H.m1xW87bRchYqIF_JeZS50-1740756733-1.0.1.1-BvpjlusoJV.u.zekBTpJRAmPj.D0vkKFSTzy1Jh5I;https://counciloncj.org/does-stable-employment-post-release-reduce-recidivism/)

Additionally, under current regulations, a misdemeanor conviction in Maryland may result in the denial, suspension, or revocation of myriad business licenses.

Criminal convictions also serve to exclude persons from educational opportunities. A 2015 study found that a majority (66%) of colleges collect criminal justice information as part of the admissions process.<sup>2</sup>

A criminal conviction also hinders an individual's access to stable housing and a range of public benefits, placing them at greater risk for homelessness, housing instability, and recidivism.<sup>3</sup>

**Criminal convictions disparately disadvantage individuals, families, and communities of color.**

The over-criminalization of communities of color has produced the startling result that one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen White men.<sup>4</sup> In addition to facing higher imprisonment rates, Black people, once arrested, are more likely to be convicted, and once convicted, are more likely to face longer sentences than similarly positioned White counterparts.<sup>5</sup>

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from criminal convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuates the cycle of imprisonment plaguing communities of color—without gainful employment and stable housing, individuals are forced to return to livelihoods of criminality.

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<sup>2</sup>[https://www.prisonpolicy.org/scans/communityalternatives/reconsidered\\_criminal\\_hist\\_rec\\_in\\_college\\_admissions.pdf](https://www.prisonpolicy.org/scans/communityalternatives/reconsidered_criminal_hist_rec_in_college_admissions.pdf)

<sup>3</sup> [https://nlihc.org/sites/default/files/AG-2020/6-07\\_Housing-Access-for-People-with-Criminal-Records.pdf](https://nlihc.org/sites/default/files/AG-2020/6-07_Housing-Access-for-People-with-Criminal-Records.pdf)

<sup>4</sup> <https://www.aclu.org/issues/smart-justice/mass-incarceration/mass-incarceration-animated-series>; <https://vera-institute.files.svdcdn.com/production/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf>; <https://law.stanford.edu/wp-content/uploads/2024/06/2024-Bias-Criminal-Legal-System.pdf>

<sup>5</sup> Ibid.



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A person should not be continually punished after completing their sentence and supervision. It is both inhumane and contrary to public safety. Allowing all individuals to petition for expungement at any time, rather than subjecting them to arbitrary waiting periods, empowers the court to look at people on a case-by-case basis. Expediting the expungement process based on good cause will help empower more individuals to re-enter society and participate meaningfully in the workforce.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 55.