

SUPPORT HOUSE BILL 55: GOOD CAUSE EXPUNGEMENTS ***Allow Courts to Expunge Felonies and Misdemeanors for Good Cause***

THE CHALLENGE

- According to the Bureau of Justice Statistics, [it is estimated that 1.5 million residents, nearly 25% of Maryland's population](#), have a visible criminal record. (pg. 26)
- A criminal record can present obstacles to employment, housing, public assistance, education, occupational licensing, family reunification, good credit, and more.
- A limited number of charges are eligible for criminal record expungement (deletion) after a returning citizen has completed their entire sentence, including parole, probation, and mandatory supervision.
- Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live, and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and **one out of three** Marylanders returning from incarceration return to Baltimore City.
- The Department of Justice has [found](#) high rates of recidivism among returning citizens, with half of all returning citizens recidivating within 3 years and 60 percent recidivating within 5 years. One of the primary drivers of high recidivism rates is the inability of returning citizens to find a job: **over 60 percent of formerly incarcerated persons remain unemployed one year** after their release.
- More than [90% of employers perform background checks](#) on all of their job applicants and deny employment to many citizens based on a record. A past criminal conviction of any sort reduces job offers by half.
- [90% of landlords perform background checks](#) on every applicant who applies for housing and has the power to deny access based on a record.
- Fifty-five of Maryland's most common occupational licensing boards will examine an individual's record and prevent the distribution of the license based on the conviction.

CURRENT LAW

- Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society.
- [Criminal Procedure §10–110 \(c\)](#), which sets the waiting periods for the limited amount of charges eligible for expungement between 5-15 years *after* the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.
- The [2022 Court of Special Appeals Ruling](#) on the “[Abhishek Case](#)” determined that **any** technical or subsequent offense violation means an individual is **permanently** ineligible for expungement as they did not **satisfy** their probation.
- [Criminal Procedure §10–110 \(d\)\(1\)](#), the subsequent conviction statute states that if a person is convicted of a new crime during the waiting period for an earlier conviction, the original conviction or convictions are not eligible for expungement unless the new conviction becomes eligible for expungement.
- [Criminal Procedure §10–107](#) contains the “Unit Rule,” which prevents the expungement of a charge if the person is not entitled to the expungement of every other charge within the unit, preventing charges that would be eligible for expungement from actually being deleted.

SOLUTION: ALLOW COURTS TO DETERMINE EXPUNGEMENT ELIGIBILITY

- [House Bill 55](#) adds §10-113 to the Criminal Procedure Article to grant district and circuit courts judicial discretion in determining the expungement of convictions.
- This provision already exists in Criminal Procedure §10–105 (c9) but only applies to non-convictions and is rarely used. The criteria for a Good Cause determination in the bill is based on the nature of the crime, rehabilitation of the person, the risk to public safety, and the impact of the conviction on the person's successful re-entry.

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