



## **TESTIMONY IN SUPPORT OF HOUSE BILL 55:**

### **Criminal Procedure – Expungement of Records – Good Cause**

TO: Members of the House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

DATE: March 4th, 2025

The Center for Urban Families (CFUF) advocates for legislative initiatives that strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports House Bill 55, which would reduce the impact of incarceration and enhance employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [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. 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, where CFUF operates.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are not eligible for expungement, leaving individuals released from incarceration with barriers to education, employment, housing, public assistance, occupational licensing, and much more. Second, the “Unit Rule,” under [Criminal Procedure §10–107](#), 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. Third is [Criminal Procedure §10–110 \(d\)\(1\)](#), the subsequent conviction statute, which 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. Fourth, the [Court of Special Appeals](#) ruled that any probation violation means a conviction is indefinitely ineligible for expungement, regardless of the nature of the violation or the length of time passed. Criminal law attorneys, expungement lawyers, and even some judges decry their inability to dispense justice for clients because of the complex web of laws blocking expungement access indefinitely.

**House Bill 55** offers a clear, rational solution to the expungement access problem for millions of returning citizens, expungement lawyers, and judicial officials. It adds §10-113 to the Criminal



Procedure Article to grant district and circuit courts judicial discretion in determining the expungement of convictions. Thus, the courts can use their judicial discretion in determining expungements, as [one judge did in Baltimore County, to get around the unit rule issue](#). 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. Note that the bill only allows a good cause petition **once every five years** per charge, and there is **no** opportunity to appeal to prevent the court from being overwhelmed with new cases.

We trust the courts to levy charges against individuals that will drastically alter their lives for decades. If we trust the court’s discretion with life-changing convictions, it stands to reason that we can trust it when granting expungements. For these reasons, we respectfully urge a favorable report of **House Bill 55**.

**The Undersigned Organizations Support Good Cause Expungement - HB0055**

1. The Legislative Black Caucus of Maryland
2. Center for Urban Families
3. Maryland Office of the Public Defender
4. Maryland Legal Aid
5. Maryland Volunteer Lawyers Service
6. Homeless Persons Representation Project
7. BetterU Construction Training
8. Job Opportunities Task Force
9. Out for Justice
10. Life After Release
11. Helping Oppressed People Excel
12. Maryland Justice Project
13. Maryland Nonprofits
14. Common Cause Maryland