

TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:

Criminal Procedure – Expungement of Records – Good Cause

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

FROM: **Tammy Lynette Mitchell**

Tammy Mitchell/Bachelors in mental health with emphasis on addiction

Tammy Mitchell supports **Good Cause Expungement** to reduce incarceration's impact and enhance employment opportunities for lower-income workers and job seekers throughout the state.

A criminal record can be both a cause and a consequence of poverty, creating long-term barriers that affect the 1.7 million Marylanders with a criminal history. Each year, approximately 15,000 individuals are released from Maryland state prisons and face significant challenges securing employment, stable housing, and successfully reintegrating into society. More than 60 percent remain unemployed one year after release. A major reason is that over 85 percent of employers conduct background checks and frequently deny employment to qualified applicants because of past convictions. For many returning citizens, meaningful access to expungement is essential for successful reintegration.

I was released from incarceration in 2017 from the Maryland Correctional Institution for Women (MCI-W) in Jessup. Due to my struggle with addiction, I was placed in the Montgomery County Drug Court Program, which required me to obtain employment, attend NA/AA meetings, and meet other structured conditions. Despite having years of college education and professional skills, I was unable to secure employment commensurate with my qualifications. I received multiple job offers for higher-level positions, but each was rescinded once my background check was completed. Ultimately, I worked as a cashier at Jiffy Lube and as a waitress simply to survive.

My second incarceration at MCI-W occurred in 2009, following convictions for armed robbery, robbery, and related charges. During that time, I committed myself to personal transformation, taking advantage of educational and rehabilitative opportunities and developing a strong spiritual foundation. I have been home since 2017 and have remained law-abiding since 2009. I am now pursuing a bachelor's degree in behavioral health with an emphasis on addiction. However, I was forced to change my original major in social work because my criminal record would prevent me from working in that field.

Unfortunately, Maryland's expungement framework contains multiple barriers that prevent individuals from accessing relief necessary for full reintegration. Approximately 93 percent

of charges are ineligible for expungement, leaving returning citizens with obstacles to education, employment, housing, public benefits, occupational licensing, and more. The “Unit Rule” further restricts relief by prohibiting expungement of an eligible charge if another charge in the same unit is ineligible. Additionally, if an individual incurs a parole or probation violation or a subsequent conviction during the waiting period, the original charge may become permanently ineligible for expungement, even decades later.

This Good Cause bill would allow courts to grant a petition for expungement at any time upon a showing of good cause, enabling judges to exercise appropriate discretion. While a similar provision exists under Criminal Procedure §10–105(c)(9), it currently applies only to non-convictions and is rarely utilized. Tammy Mitchell strongly supports legislation that removes unnecessary barriers to employment and opportunities for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report.