

TESTIMONY IN SUPPORT OF GOOD CAUSE EXPUNGEMENT:

SB 525: Criminal Procedure – Expungement of Records – Good Cause

TO: Members of the Senate Judicial Proceedings Committee

FROM: **Michele Kennedy-Kouadio, Vice President of A Mother's Cry**

I, Michele Kennedy-Kouadio, support **Good Cause Expungement** to reduce incarceration's impact and enhance employment opportunities for lower-income workers and job seekers throughout the state.

When my son is released whether through a post conviction hearing, Second Look, parole or a mandatory release, he will need barriers to expungement removed or diminished as his livelihood will allow him to support his children and his Maryland community in District 20. I am an aging single parent and will need him to become financially independent upon release.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the [1.7 million Marylanders with a criminal history](#) (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. [Over 60 percent of formerly incarcerated persons remain unemployed](#) one year after release. This is mainly because more than 85% of employers conduct background checks on all job applicants and deny employment to many returning citizens because of their records. Thus, access to criminal record expungement is necessary for proper reintegration into society.

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. Additionally, the [“Unit Rule”](#) prevents the expungement of a charge if the person is not entitled to the expungement of any other charge within the unit. This prevents charges that are eligible for expungement from being expunged. Lastly, suppose an individual receives a parole or probation violation or manages to catch a subsequent conviction during the waiting period. In that case, the original charge becomes impossible to expunge even decades later.

This bill allows the courts to grant a petition for expungement at any time on a showing of good cause. Thus, the courts can use their judicial discretion in determining expungements. This provision already exists in [Criminal Procedure §10–105 \(c9\)](#) but only applies to non-convictions and is rarely used. Michele Kennedy-Kouadio, A Mother's Cry, fully supports any legislation that eliminates barriers to employment for low-income workers and job seekers in Maryland. For these reasons, we respectfully urge a favorable report.