



Maryland Alliance for Sensible Drug Policy

LIVED EXPERIENCE. REAL SOLUTIONS.

March 3, 2026

The Honorable J. Sandy Bartlett
Chair, House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

**RE: HB131 – Criminal Procedure – Expungement – Adverse Actions and Removal From
Maryland Electronic Courts (MDEC) System – FAVORABLE**

Dear Chair Bartlett, Vice Chair Davis, and members of the committee:

I am submitting this testimony in strong support of HB131 on behalf of the Maryland Alliance for Sensible Drug Policy (MASDP), a state-wide advocacy group led by people with lived or living experience with substance use.

HB131 provides people who have had their charges expunged a way to begin anew by ensuring they get the expungement they deserve. This bill would strengthen protections against discrimination for individuals who choose not to reveal their history of expunged charges to receive, *inter alia*, professional licenses or an education.

Why this matters in real life

Many of our members are working to rebuild their lives after prolonged periods of substance use and criminal justice involvement, however an old case may continue to follow them long after they've put their lives together. Charges are dismissed or probation conditions met, but the "shadow record" can still appear in background checks and on-line case portals. As a result, people are frequently quietly denied jobs, housing, schools, and licenses due to their "record." This is why expungement is so important. And yet, even when a person does everything they are supposed to do and manages to get an expungement, problems persist. Several members seeking a professional license reported being asked not only about their arrest history, but also any cases that had been expunged or pardoned. Others have reported similar questions when applying for college or graduate school.

HB131 addresses this problem: people being pressured, directly or indirectly, to disclose expunged cases, and then being punished. Current law already recognizes that a person should not have to disclose expunged charges, and that refusal to disclose cannot be used as the sole reason to deny certain applications. HB131 strengthens and clarifies that protection in two high-impact arenas: access to a license, permit, registration, or governmental service, and access to education. The bill also

emphasizes that when Maryland determines that certain records shall no longer be referenced in public searches, the technology that allows us to view these records should reflect that in practice.

Supporting evidence

While the lived experience behind this issue is compelling on its own, the broader research also shows why reforms like HB131 matter for stability and opportunity.

- **Criminal records and case visibility create barriers to opportunity.** A large number of individuals use occupational licensure as a means to find stable employment. However, many individuals find it difficult or nearly impossible to obtain a license due to criminal records, either through formal restrictions or informal biases.¹
- **Employers remain reluctant to hire people with records, including non-convictions.** Research has shown that hiring managers have less willingness to employ applicants with criminal charges, regardless of whether or not they were convicted, which is the type of problem that expungement was intended to resolve.²
- **Collateral consequences are widespread and touch employment, licensing, housing, and education.** Organizations that track collateral consequences of conviction list more than 40,000 examples of how legal and regulatory obstacles can limit opportunity long after a case has been resolved.³

Taken together, these findings reinforce the purpose of HB131: reducing preventable barriers that keep Marylanders from moving forward after the legal system has already given them that chance.

Request

For these reasons, MASDP respectfully requests a **favorable report** on HB131. Thank you for your consideration. If we can be helpful as you consider this bill, we are happy to be a resource.

Sincerely,

Thomas Higdon
Executive Director
Maryland Alliance for Sensible Drug Policy
thigdon@masdp.org

¹ National Conference of State Legislatures. (n.d.). Barriers to work: Improving employment in licensed occupations for individuals with criminal records. <https://www.ncsl.org/labor-and-employment/barriers-to-work-improving-employment-in-licensed-occupations-for-individuals-with-criminal-records>.

² Agan, A. Y., & Starr, S. B. (2024). Criminal records and employment: A survey and experimental evidence from hiring professionals (NBER Working Paper No. 32394). National Bureau of Economic Research. https://www.nber.org/system/files/working_papers/w32394/w32394.pdf.

³ National Inventory of Collateral Consequences of Conviction. (n.d.). NICCC home. <https://niccc.nationalreentryresourcecenter.org>.