



## Testimony for the House Judiciary Committee

March 3, 2026

### HB 824 - Criminal Procedure - Expungement - Conviction of Distribution of Controlled Dangerous Substance

#### FAVORABLE

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The ACLU of Maryland urges a favorable report on HB 824 which seeks to amend to § 10-110 of the Criminal Procedure Article to authorize a person to file a petition for expungement of a felony conviction under § 5-602(a) of the Criminal Law Article (distributing or dispensing a controlled dangerous substance). HB 824 is an important step in the right direction towards ensuring Marylanders who have served their time can reenter the community and rebuild their lives with greater ease.

Studies routinely show that employment opportunities can reduce recidivism rates.<sup>1</sup> Yet, for far too many Marylanders, a criminal record—regardless of how minor the offense can be a bar to opportunities for success. The collateral consequences reach far beyond employment—a criminal record may compromise one's eligibility for tuition assistance and stable housing. Moreover, these collateral consequences are particularly stark for communities of color.

#### **Criminal records exclude individuals from employment, educational opportunities, public benefits, and stable housing.**

The existence of a criminal record can and does create a barrier to employment for many Marylanders. Over 80 percent of U.S. employers perform criminal background checks on prospective employees.<sup>2</sup>

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<sup>1</sup> Nally, Lockwood, Taiping, and Knutson, *The Post-Release Employment and Recidivism Among Different Types of Offenders With A Different Level of Education: A 5-Year Follow-Up Study in Indiana* (noting that recidivist offenders were likely to be unemployed or under-educated)

<sup>2</sup> Burke, M.E., 2004 *Reference and Background Checking Survey Report: A Study by the Society for Human Resource Management, Alexandria, Va.: Society for Human Resource Management*, 2006.



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Criminal convictions also serve to exclude persons from educational opportunities. A recent study found that a majority (66%) of colleges collect criminal justice information as part of the admissions process.<sup>3</sup>

A criminal conviction also hinders an individual's access to stable housing and a range of public benefits, placing them at greater risk for homelessness and housing instability.<sup>4</sup>

Successful reentry is dependent on access to employment, housing, skill development (including access to licensing), among other factors. Expungement reduces reentry challenges caused by lack of access to these factors, lowering recidivism and benefiting public safety.<sup>5</sup>

### **Criminal convictions disparately disadvantage individuals, families, and communities of color.**

The over-criminalization of communities of color – largely due to the ‘war on drugs’—has produced the startling result that one in three Black men born today can expect to go to prison in their lifetime, compared with one in six Latino men, and one in seventeen White men.<sup>6</sup> In addition to facing higher imprisonment rates, Black people, once arrested, are more likely to

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<sup>3</sup> Center for Community Alternatives—Innovative Solutions for Justice, *The Use of Criminal Records in College Admissions, Reconsidered* (available at <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>).

<sup>4</sup> [https://nlihc.org/sites/default/files/AG-2020/6-07\\_Housing-Access-for-People-with-Criminal-Records.pdf](https://nlihc.org/sites/default/files/AG-2020/6-07_Housing-Access-for-People-with-Criminal-Records.pdf)

<sup>5</sup> RTI International. “Reentry and Housing Stability: Final Report.” HHS ASPE OFFICE OF BEHAVIORAL HEALTH, DISABILITY, AND AGING POLICY, Office of the Assistant Secretary for Planning and Evaluation (ASPE) at the U.S. Department of Health & Human Services, Dec. 2024, [aspe.hhs.gov/sites/default/files/documents/49f0895779c6b984a9261c96f747e707/reentry-housing-stability.pdf](https://aspe.hhs.gov/sites/default/files/documents/49f0895779c6b984a9261c96f747e707/reentry-housing-stability.pdf); “Successful Reentry: A Community-Level Analysis.” The Harvard University Institute of Politics Criminal Justice, The Harvard University Institute of Politics Criminal Justice Policy Group, Dec. 2019, [iop.harvard.edu/sites/default/files/2023-02/IOP\\_Policy\\_Program\\_2019\\_Reentry\\_Policy.pdf](https://iop.harvard.edu/sites/default/files/2023-02/IOP_Policy_Program_2019_Reentry_Policy.pdf).

<sup>6</sup> <https://www.aclu.org/issues/smart-justice/mass-incarceration/mass-incarceration-animted-series>



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be convicted, and once convicted, are more likely to face longer sentences than their White counterparts.<sup>7</sup>

With higher conviction rates, persons of color necessarily bear the brunt of collateral consequences stemming from criminal convictions. Exclusion from the job market, stable housing, and countless other crucial services perpetuates the cycle of imprisonment plaguing communities of color—without gainful employment and stable housing, individuals are forced to return to livelihoods of criminality.

A person should not be continually defined nor punished for their worst day. Expanding expungement opportunities will help empower more individuals to re-enter society and participate meaningfully in the workforce.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 824.

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<sup>7</sup> Ibid.