

Testimony of the Human Trafficking Prevention Project

BILL NO:	House Bill 819
TITLE:	Commission to Examine the Expungement Laws of Maryland
COMMITTEE:	Judicial Proceedings
HEARING DATE:	March 3, 2026
POSITION:	FAVORABLE

House Bill 819 will create a commission to examine Title 10, Subtitle 1 of the Criminal Procedure Article for the purpose of redesigning the statute for efficiency and equity. The Human Trafficking Prevention Project strongly supports this bill because it would provide a much-needed examination of Maryland's expungement laws – creating an opportunity to efficiently correct oversights in eligibility and improve the expungement process so that it is more access accessible, efficient, and equitable while still promoting public safety.

The opportunity to streamline and improve Maryland's expungement scheme is of critical importance to the criminalized survivors the HTPP serves, as this will enable them to more readily access the opportunities they need to better their lives by lessening or eliminating the collateral consequences of having a criminal record. The criminalization of trafficking survivors is an epidemic of astounding proportions, with [multiple surveys conducted](#) over the past decade **consistently putting the rate of criminalization between 70 and 90%**. What this means is that trafficking survivors are far more likely to appear as a **defendant in a criminal case** than as a victim-witness in one against their trafficker.

Thankfully, Maryland law has increasingly recognized the life-altering benefits of expungement. In 2015, the General Assembly passed the [Maryland Second Chance Act](#), which provided for a limited list of misdemeanors to be eligible for shielding after three years have passed. With the [Justice Reinvestment Act of 2016](#), the General Assembly extended this approach by authorizing the expungement of enumerated misdemeanors after a 10-year waiting period without subsequent convictions. Since then, expungement law has incrementally expanded nearly every year, which take a tremendous amount of time and effort on the part of both advocates and legislators.

For instance, this Legislative Session, there are no fewer than six bills considering amendments to the expungement statute: [SB 315/HB 131](#) (concerning the expungement of adverse actions and removal from MDEC); [SB 320/HB 187](#) (allowing the expungement of no finding dispositions); [SB 525/HB 169](#) (authorizing good cause applications for expungement under § 10-110 of the expungement statute); [HB 113](#) (adding Crim. L. §§ 9-408, 9-501, 9-502 to the list of eligible charges); [HB 362](#) (clarifying the effect of expungement); [HB 397](#) (adding Crim. L. § 9-405 to the list of eligible charges); [SB 483/HB 360](#) (Clean Slate Act); and [HB 824](#) (adding Crim. L. § 5-602(a) to the list of eligible felonies).

The need for frequent amendments to the law is due in large part to the law's design. By employing a piecemeal approach whereby the law lists the offenses that are *eligible* for expungement, rather than more simply identifying the crimes *excluded* from it, relatively minor offenses remain ineligible for expungement until they are affirmatively considered for inclusion, such as driving on a suspended license, which was not eligible for expungement until 2021 after years of rejected petitions and legislative advocacy. However, once a charge is identified for inclusion in the statute, it can take years to correct, as each individual change competes with the many important priorities of each legislative session. Furthermore, this results in the public being entirely in the dark as to what they are eligible to expunge, wasting valuable court time as petition after petition is denied by judges who are forced to hear heartbreaking stories about defendants rebuilding their lives, only to have no legal means of supporting them in their work toward that goal.

What this “cherry picking” approach looks like in practice for criminalized trafficking survivors is HTPP staff having to cross their fingers every time they meet a new survivor, hoping that they were convicted of the “right” offenses rather than having to explain to them, as they so often have to, that their particular convictions just aren’t eligible under Maryland [vacatur](#) or expungement law, usually for no particular reason that can be articulated. This serves only to reinforce survivors’ beliefs that those in charge of creating and enforcing the law are only paying them lip service when they say they care about the recovery of trafficking survivors, because the reality is that **a survivor’s inability to clear their criminal record plays a far larger role in keeping them trapped in the cycle of poverty and exploitation than any amount of support they are given.**

The opportunity to access expungement is an important mechanism for all Marylanders to move beyond their mistakes and have the economic and familial stability that promotes a law-abiding life. For criminalized survivors, however, expungement is a lifesaving opportunity and a critical bridge for these crime victims as they try to move on with their lives after violence and trauma. It’s time to stop blocking real progress on expungement out of fear that a very small percentage might abuse these laws, and instead find ways to identify and work around them. This commission, and the diversity of voices on it, are essential to that goal. **For these reasons, the Human Trafficking Prevention Project supports House Bill 819 and respectfully urges a favorable report.**

The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.

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Survival Should Not Be Criminalized.