



**Testimony in Support of House Bill 169**  
**Criminal Procedure - Expungement of Records – Good Cause**

TO: Chair Bartlett, Vice Chair Davis, and members of the Judiciary Committee

FROM: Melissa Rothstein, Esq.

DATE: March 3, 2026

I am an expungement attorney for Out for Justice, Inc. (OFJ), and I urge the committee to issue a favorable report on House Bill 169. HB 169 will provide a good cause exception for expungement of otherwise ineligible convictions.

OFJ seeks to engage, educate, and empower individuals impacted by the legal system to build collective power for dismantling systemic oppression and harmful policies. The organization strives to humanize marginalized communities, prevent criminalization, reduce recidivism and promote second chances and successful reintegration through advocacy, education and supportive programming. Providing the opportunity for people with a criminal conviction to clear their record after having served their sentence is a high priority for OFJ, an important component of successful long-term reentry, and a positive public safety measure.

Maryland law has increasingly recognized the importance and value of expungement availability. Once the sentence has been served, a person convicted of a crime must secure housing and employment, and should have the opportunity to support their family and contribute to their community. Without expungements, these needs and goals are denied after a basic background check that details a person's worst decisions without any recognition of maturation, rehabilitation, and reform.

The current expungement structure creates gaps in eligibility that stymie the intent of the law. Because the statute details what offenses are eligible for expungement (rather than what is excluded), relatively minor charges are sometimes ineligible due to oversight and preclude worthy individuals from clearing their record. Judges who have recognized this problem have acknowledged that their hands are tied as they cannot grant an expungement beyond what is authorized.

The need for a good cause exception is particularly apparent for people in recovery with a substance use disorder. People who use drugs often sell drugs, and incur distribution charges for low level sales. Once in recovery, those convictions preclude them from receiving professional licenses and certain housing for the rest of their lives.

Good cause consideration for otherwise ineligible convictions allows for judicial discretion in circumstances that warrant exceptional relief. It will not alter the vast majority of eligibility considerations. In the non-conviction context, good cause requires a detailed showing with documentation, which would also be required here. Victims will have an opportunity to weigh in both in writing and at the required hearing, with their objections factored into the public safety concerns.

Maryland law has increasingly recognized the public safety importance of rehabilitation, second chances, and removal of barriers to successful reentry. HB 169 furthers these efforts by providing an opportunity for individuals to show that they are worthy of an expungement.

For the foregoing reasons, Out for Justice urges the committee to issue a favorable report on of HB 169.