



**Testimony in Support of House Bill 819**  
**Commission to Examine the Expungement Laws of Maryland**

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

FROM: Melissa Rothstein, Esq.

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I am an expungement attorney for Out for Justice, Inc. (OFJ), and I urge the committee to issue a favorable report on House Bill 819. HB 819 law 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 accessible, efficient, and equitable while still promoting public safety.

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 someone to clear their record after having served their sentence is a high priority for OFJ and an important component of successful long-term reentry.

Providing an opportunity for people with a criminal conviction to clear their criminal record is an important safety component. 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.

Maryland law has increasingly recognized the public safety benefits of expungement. In 2015, the General Assembly passed the Second Chance Law, which provided for a limited list of misdemeanors to be eligible for shielding after three years have passed. 2015 Md. Laws ch. 313. 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. 2016 Md. Laws ch. 515 (codifying Crim. Proc. L. § 10-110). Since then, expungement law has incrementally expanded nearly every year. *See* 2017 Md. Laws chs. 62, 703, 801; 2018 Md. Laws chs. 12, 143; 2019 Md. Laws chs. 8, 21, 22, 599, 600; 2021 Md. Laws chs. 31, 620; 2022 Md. Laws ch. 26; 2023 Md. Laws ch. 254, 255, 683, 784; 2025 Md. Laws ch. 95.

This Legislative Session, there are at least six bills considering amendments to the expungement statute, Criminal Procedure Law, Title 10. *See* SB 315/HB 131 (adverse actions and removal from MDEC); SB 320/HB 187 (allowing no finding dispositions to Crim Proc. 10-110); SB 525/HB 169 (authorizing good cause applications for expungement); HB 113 (adding Crim. L. §§ 9-408, 9-501, 9-502 to the list of eligible charges); HB 362 (clarifying effect of expungement); HB 397 (adding Crim. L. 9-405 to the list of eligible charges); SB 483/HB 360 (Clean Slate Act); HB 824 (altering the list of eligible felonies).

The need for frequent amendments to the law is due in large part to the law's design. By listing the offenses that are eligible for expungement, rather than identifying the crimes excluded from the law, relatively minor offenses are often omitted until they are affirmatively considered for inclusion. Once considered, it can take years to correct as it competes with the many priorities of each legislative session. For example, driving on a suspended license was not eligible for expungement until 2021, after years of rejected petitions and legislative advocacy.

The complexity of the law also makes the process less accessible than warranted. Navigating eligibility often requires a lawyer for a proceeding that is most appropriate for pro se requests. Confusion in the law also results in a large number of expungement hearings, requiring significant judicial resources that would be better directed elsewhere. The piecemeal reforms needed under the current structure also expends significant legislative resources.

Convening a commission will allow for the deliberation and research needed to develop recommendations that balance the concerns of victims and law enforcement, the rights and needs of people who have served their time for an offense and the loved ones who rely on them, and the needs for judicial and legislative efficiency. A commission will ensure that the wide range of impacted stakeholders are sufficiently represented so that compromises can be reached prior to the House and Senate floors and best practices from other jurisdictions can be fully examined and considered.

The opportunity for expungement is an important mechanism for people to move beyond their mistakes and have the economic and familial stability that promotes a law-abiding life. It restores access to work, housing, education, licensing, and basic public resources after someone has served their time and successfully reintegrated into society. A commission to review the

current law and process can identify the best measures to address the current law's deficiencies, inequities, and costly hurdles.

For the foregoing reasons, Out for Justice urges the committee to issue a favorable report on of HB 819.