



TESTIMONY IN SUPPORT OF HOUSE BILL 169:

Criminal Procedure – Expungement of Records – Good Cause

TO: Members of the House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

DATE: March 3rd, 2026

Out for Justice, Inc. (OFJ) is an organization comprised of individuals directly and indirectly impacted by the criminal legal system. We advocate for reforming policies and practices that adversely affect successful reintegration into society. We strongly support House Bill 169, which adds §10-113 to the Criminal Procedure Article to grant district and circuit courts judicial discretion in determining the expungement of convictions, after the completion of the sentence and the standard waiting period.

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment prospects for the estimated [1.7 million Marylanders with a criminal history](#) (pg.26). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, and [one out of three](#) Marylanders returning from incarceration returns to Baltimore City, my jurisdiction.

Unfortunately, Maryland has a variety of laws that, in combination, prevent Marylanders from accessing the expungement services needed to reintegrate into society. First, most charges (~93%) are ineligible for expungement, leaving individuals released from incarceration facing barriers to education, employment, housing, public assistance, occupational licensing, and more. Second, the “Unit Rule,” under [Criminal Procedure §10–107](#) and [Criminal Procedure 10-110 §\(d\)\(3\)](#), prevents the expungement of a charge if the person is not entitled to the expungement of every other charge within the unit, preventing charges that would be eligible for expungement from actually being deleted. Third is the subsequent conviction statute, which bars eligible charges from expungement if a new charge, no matter how minor, is filed during the waiting period for the initial charge. Regardless of how much time has passed since the sentence was completed or how the individual has rehabilitated, they will never have the opportunity to receive expungement relief.

House Bill 169 offers a clear, rational solution to the expungement access problem for millions of returning citizens, expungement lawyers, and judicial officials. It allows courts to grant petitions for expungement of certain convictions *after* the completion of the sentence and the mandated waiting period, consistent with current law. Thus, the courts can use their judicial discretion in determining expungements. This provision already exists in [Criminal Procedure §10–105\(c\) \(9\)](#) but applies only to non-convictions and is rarely used. The criteria for a Good Cause determination in the bill are based on



the nature of the crime, rehabilitation of the person, the risk to public safety, and the impact of the conviction on the person's successful re-entry. Note that the bill only allows a good cause petition **once every three years** per charge, and there is **no** opportunity to appeal to prevent the court from being overwhelmed with new expungement cases.

We trust the courts to levy charges against individuals that will drastically alter their lives for decades. If we trust the court's discretion with life-changing convictions, it stands to reason that we can trust it when granting expungements. For these reasons, we respectfully urge a favorable report of **House Bill 169**.