



1411 K Street N.W.  
Suite 900  
Washington, D.C. 20005  
202-525-5717

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Testimony from:

Sarah Anderson, Associate Director, Criminal Justice & Civil Liberties, R Street Institute

In SUPPORT of House Bill 360: "Clean Slate Act of 2026"

March 3, 2026

House Judiciary Committee

Chairwoman Bartlett and members of the committee,

My name is Sarah Anderson, and I am the associate director of criminal justice and civil liberties policy for the R Street Institute (RSI), which is a nonprofit, nonpartisan, public policy organization. Our mission at RSI is to engage in research and outreach to promote free markets and limited, effective government in many areas, including in the field of criminal justice and civil liberties. We have a particularly vested interest in creating a system that holds offenders accountable to their actions, yet still allows for successful rehabilitation and an opportunity to truly leave life's mistakes behind when earned. This is why we have a strong interest today in House Bill 360, also known as the "Clean Slate Act."

Under this proposed legislation, certain criminal records would be automatically expunged after a designated amount of time has passed, depending on the offense, and provided the individual has satisfied all of the requirements of their case.<sup>i</sup> It is important to note that the bill does not require the physical destruction of the records, rather it shields them from public view. Expunged records remain available to certain government entities when necessary.

Specifically, the legislation would require the judiciary to identify and shield from public view the records of individuals who have non-convictions and/or arrests after three years have passed, as well as the records of individuals who have eligible misdemeanors after seven years have passed. Thereafter, the judiciary would be required to identify new eligible cases each month and notify the Department of Public Safety and Correctional Services, and then shield these new eligible records within thirty days of the notification. This creates a perpetual automatic expungement process.

Research proves that individuals who remain crime-free for five to seven years without further offenses, are no more likely to reoffend than those without a criminal record, making this legislation a sensible, evidence-based policy.<sup>ii,iii</sup> Additionally, those who have arrest or non-conviction records and are

innocent in the eyes of the law and of their peers should certainly not have records following them around in perpetuity.

To grasp the importance of shielding criminal records from the public after individuals remain crime-free for a set period, one must understand the lasting consequences and barriers faced by those with records, even years after completing their sentence.<sup>iv</sup> One of the greatest challenges faced by people with criminal records—affecting nearly 22 percent of Maryland's adult population—is the enduring hurdle to accessing basic life necessities, such as employment, housing, and education.<sup>v</sup> In fact, there are more than 40,000 state and federal regulatory and legal restrictions that limit opportunities for those with criminal records with regards to employment, business and licensing, housing, and education, among other things.<sup>vi</sup> These create negative outcomes for those impacted. For example, 94 percent of employers use background checks when hiring, and an arrest or conviction record reduces the chances of a callback or job offer by nearly 50 percent.<sup>vii,viii</sup>

While petition-based record sealing already exists in Maryland, it is severely underutilized.<sup>ix</sup> The novel aspect of this legislation is the automation of the process, which means that everybody who is eligible will have their record sealed. Though 40 percent of Marylanders with criminal records are eligible for petition-based sealing, fewer than 2 percent have secured it due to the burdensome process or lack of awareness.<sup>x,xi</sup>

This is why the automated sealing process set up in this bill is critical to achieving positive outcomes.

Comparable automated record sealing laws have been passed in 13 other states since 2018, and survey data indicates that those who have had their records sealed are already benefiting dramatically from the policy, particularly relating to factors that reduce re-offense rates, such as employment, housing, and education.<sup>xii,xiii</sup> Of those who received automated record relief in Michigan, Pennsylvania, and Utah, 42 percent reported improvements in work, employment, finances, or public assistance, 24 percent in housing, and 22 percent in education. More holistically, 35 percent report improvement in personal and family relationships, and 34 percent report improvement in health, mental health, or self-esteem. All of these factors not only improve the lives of those with the criminal record, but also the lives of those around them, their broader community, and the state overall.

HB 360 offers a chance to bring the benefits of clean slate legislation to the state of Maryland. For these reasons, we strongly support HB 360 and urge the committee to issue a favorable report.<sup>xiv</sup>

Thank you,

Sarah Anderson  
Associate Director, Criminal Justice & Civil Liberties  
R Street Institute  
[sanderson@rstreet.org](mailto:sanderson@rstreet.org)

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- <sup>i</sup> Maryland General Assembly, 2026 Legislative Session, House Bill 360, Last Accessed February 24, 2026. <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0360>.
- <sup>ii</sup> Alfred Blumstein and Kiminori Nakamura, "'Redemption' in an Era of Widespread Criminal Background Checks," *National Institute of Justice Journal*, 263 (June 2009). <https://www.ojp.gov/pdffiles1/nij/226872.pdf>
- <sup>iii</sup> J.J. Prescott and Sonja B. Starr, "The Power of a Clean Slate," *Regulation* 43:2 (Summer 2020) pp. 28-34. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3474&context=articles>
- <sup>iv</sup> Gary Hunter, "Destined to Fail: the Negative Effect of Collateral Consequence Laws," *Prison Legal News*, August 10, 2016. <https://www.prisonlegalnews.org/news/2016/aug/10/destined-fail-negative-effect-collateral-consequence-laws/>
- <sup>v</sup> "Clean Slate in Maryland," The Clean Slate Initiative, 2025. <https://www.cleanslateinitiative.org/maryland#factsheet>
- <sup>vi</sup> "A Re-Introduction to the National Inventory of Collateral Consequences of Conviction (NICCC) and the Clean Slate Clearinghouse," Bureau of Justice Assistance: National Reentry Resource Center, April 12, 2023. <https://nationalreentryresourcecenter.org/multimedia/re-introduction-national-inventory-collateral-consequences-conviction-niccc-and-clean>
- <sup>vii</sup> Ariel Nelson, "Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing," National Consumer Law Center, December 10, 2019. <https://www.nclc.org/resources/report-broken-records-redux/>
- <sup>viii</sup> Devah Pager, et al., "Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records," *American Academy of Political and Social Science*, 623:1 (May 2009), pp. 195-213. <https://pubmed.ncbi.nlm.nih.gov/23459367/>
- <sup>ix</sup> Jack Ford, "Maryland Clean Slate Act Proposed to Streamline Record Expungement Process," WBOC, February 21, 2024. [https://www.wboc.com/news/maryland-clean-slate-act-proposed-to-streamline-record-expungement-process/article\\_9590afea-d10a-11ee-b523-d3ed4fb4d74e.html](https://www.wboc.com/news/maryland-clean-slate-act-proposed-to-streamline-record-expungement-process/article_9590afea-d10a-11ee-b523-d3ed4fb4d74e.html)
- <sup>x</sup> "Clean Slate in Maryland," The Clean Slate Initiative, 2025. <https://www.cleanslateinitiative.org/maryland#factsheet>
- <sup>xi</sup> "The Maryland Second Chance Expungement Gap," Paper Prisons, <https://paperprisons.org/states/MD.html>
- <sup>xii</sup> "The Impacts of Clean Slate Laws in Pennsylvania, Utah, and Michigan," The Clean Slate Initiative, October 30, 2024. <https://www.cleanslateinitiative.org/research-data-publications/yougov-survey-report>
- <sup>xiii</sup> Amy L. Solomon, et al., "Understanding the Challenges of Prisoner Reentry," The Urban Institute, March 24, 2006. <https://www.urban.org/research/publication/understanding-challenges-prisoner-reentry>
- <sup>xiv</sup> Christi Smith, "The Pathway to Prosperity: How Clean Slate Legislation Enhances Public Safety and Stimulates the Economy," *R Street Policy Study* No. 279, March 2023. <https://www.rstreet.org/research/the-pathway-to-prosperity-how-clean-slate-legislation-enhances-public-safety-and-stimulates-the-economy/>