

TESTIMONY IN SUPPORT OF HOUSE BILL 360

Clean Slate Act of 2026

TO: Members of the House Judiciary Committee

FROM: Center for Criminal Justice Reform, University of Baltimore School of Law

DATE: February 26, 2026

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and to address the harm and inequities caused by the criminal legal system. **The Center strongly supports House Bill 360.**

House Bill 360, the Clean Slate Act of 2026, will automate the sealing process and shield from public view **already eligible misdemeanor records** after seven years have passed, and **already eligible non-conviction and arrest records** after three years have passed. In doing so, this legislation sets forth a much needed pathway in Maryland to a meaningful second chance, one that is accessible to everyone who earns it. House Bill 360 is narrowly tailored, excluding serious offenses, and only shielding records from public view, i.e., does not impact jail and police records or law enforcement access. House Bill 360 ensures that people are no longer perpetually defined by their criminal records and are better positioned to work, pursue education, secure housing, and contribute fully to their communities.

The Center urges a favorable report on House Bill 360 for three primary reasons. First, expanding access to record sealing reduces collateral consequences and strengthens Maryland’s workforce and economy. Second, automated record sealing is an administrative process that is necessary to close the well-documented gap between eligibility for relief and actual relief. Third, House Bill 360 does not pose a risk to public safety; rather, research suggests it will promote public safety.

I. Expanding Access To Record Sealing through House Bill 360 Reduces Collateral Consequences And Strengthens Maryland’s Workforce And Economy

Arrest and conviction records created as a result of a criminal case are collateral consequences of that case, not a direct aspect of punishment. Criminal records are not intended to be punitive in and of themselves, and certainly not in perpetuity. A criminal record nevertheless creates long-lasting barriers to employment, housing, education, and occupational licensing.¹ Currently, an estimated 1 million adults in Maryland have an arrest or conviction record, meaning these barriers affect families, communities, and the broader economy at scale.²

¹ Colleen Chien, *America's Paper Prisons: The Second Chance Gap*, 119 Mich. L. Rev. 519, 554 (2020) (“Because a criminal record can substantially limit a person’s opportunity to obtain employment, housing, public benefits, and student loans; to qualify for certain professions; and to gain entrance into higher education, having a record has been called ‘a civil death.’”).

² Bureau of Justice Statistics, U.S. Department of Justice, *Survey of State Criminal History Information Systems*, 2012, 26, [Incarceration Research - Criminal Record Amounts by State.pdf](#).

Record clearance increases income, labor force participation, and economic stability.³ Employers overwhelmingly rely on background checks,⁴ and research shows that individuals who receive record clearance experience significant improvements in employment outcomes.⁵ Each year, Maryland loses an estimated 1.5 billion in taxable income due to clearable convictions and arrests remaining publicly visible,⁶ and this number does not account for the economic loss suffered by those with non-conviction records.

At a time of dire budget deficits and fiscal strain, this legislation would be a powerful step in the right direction for the state's economy. House Bill 360 removes unnecessary barriers to work and allows Marylanders to contribute to the workforce Maryland needs to thrive, while leaving restitution enforcement mechanisms fully intact.⁷

II. Automated Record Sealing Is Necessary To Close The Well-Documented Relief Gap Between Eligibility and Actual Relief Through a Streamlined Administrative Process

Maryland's current petition-based record clearance system places the administrative burden on individuals, requiring legal knowledge, time, financial resources, and navigation of complex court processes. As a result, most people who are eligible for relief never receive it. Research consistently shows that under petition-based systems, uptake rates range from as low as 0.2% to 11% nationwide,⁸ leaving millions of eligible individuals without relief.⁹

Maryland actually ranks among the lowest in the country in eligible individuals receiving relief. In Maryland, approximately 407,000 adults are currently eligible for full record clearance, yet only about 2% of eligible individuals obtain relief under the existing system.¹⁰ At current rates, it would take decades to clear all eligible records.¹¹

³ J. Prescott & Sonja B. Starr, Expungement of Criminal Convictions: An Empirical Study, 133 HARV. L. REV. 2460, 2524–28 (2020); Colleen Chien, America's Paper Prisons: The Second Chance Gap, 119 Mich. L. Rev. 519, 554, 556–58 (2020).

⁴ Society for Human Resource Management, Conducting Background Investigations and Reference Checks, [Conducting Background Investigations and Reference Checks](#).

⁵ J. Prescott & Sonja B. Starr, Expungement of Criminal Convictions: An Empirical Study, 133 HARV. L. REV. 2460, 2528 (2020).

⁶ Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney, The Maryland Second Chance Expungement Gap, Paper Prisons Initiative, [The Maryland Second Chance Expungement Gap.pdf](#). Note: estimates are based on a 5% sample of individuals with criminal histories between 2000-2020 drawn from Maryland Electronic Courts (MDEC) as well as district and circuit courts.

⁷ Automated sealing does not alter restitution obligations. In Maryland, restitution is typically enforced through probation and, if unpaid, reduced to a civil judgment and sent to central collections. See Md. Code, Crim. Proc. §§ 11-603, 11-608; § 6-221(b); Md. Code, State Fin. & Proc. § 3-302 et seq.

⁸ Colleen Chien, America's Paper Prisons: The Second Chance Gap, 119 Mich. L. Rev. 519, 556-58 (2020). This study found that there were 300,000 to 2 million people in each of the states examined with convictions that were eligible for expungement who did not receive those expungements.

⁹ J.J. Prescott & Sonja B. Starr, Expungement of Criminal Convictions: An Empirical Study, 133 HARV. L. REV. 2460, 2466 (2020). This study focused on Michigan concluded that only 6.5% of eligible individuals received expungements in that state within the first five years of being eligible. It projected a lifetime expungement uptake rate of less than 12% of those who were not sentenced to a period of incarceration and an even lower lifetime expungement uptake rate for those who were sentenced to incarceration.

¹⁰ CSI State Data Fact Sheet, Creating a Fresh Start for Marylanders: The Clean Slate Act of 2026, https://static1.squarespace.com/static/6761dfd1807a6a3c15b5d91d/t/6980dc8409e36b4b672e1e84/1770052740223/2026_Creating+a+Fresh+Start+for+Marylanders+The+Clean+Slate+Act.pdf.

¹¹ *Id.*

House Bill 360 establishes an automated process that is administrative in nature and occurs years after a sentence has been fully completed. It does not involve a courtroom proceeding or modify a sentence in any way.¹² Through the administrative process of House Bill 360, automated record sealing directly addresses the relief gap by shielding the record from public view, while maintaining the record in the court’s database coded as a conviction, eliminating unnecessary administrative barriers and ensuring that eligibility translates into actual relief.

III. Evidence-Based Waiting Periods Promote Public Safety Rather Than Undermine It

The opposition to record sealing has raised concerns about public safety. However, extensive research demonstrates that after a period of 5 to 7 years without new criminal activity, individuals with records pose no greater risk to public safety than the general population.¹³ Waiting periods in this bill align with this evidence and reflect widely accepted research on “time to redemption.”¹⁴

Studies examining automated record clearance in other states, including Michigan, show that individuals who receive record relief have lower rates of subsequent criminal justice contact than the general population.¹⁵ There is no empirical evidence that record sealing undermines public safety.¹⁶ In contrast, continued exposure to collateral consequences, especially unemployment and housing instability, is associated with higher recidivism risk.¹⁷ By facilitating access to employment and stability, House Bill 360 will enhance public safety outcomes rather than compromise them.

House Bill 360 builds on years of research, advocacy, and bipartisan momentum across the state and country to modernize the approach to record clearance. By automating relief for people who have earned it, the Clean Slate Act advances public safety, strengthens the economy, and promotes fairness and opportunity across the state.

For these reasons, the Center for Criminal Justice Reform respectfully urges a favorable report on House Bill 360.

¹² The automated process does not include a courtroom proceeding, hearing, or forum in which a defendant has a right to appear. It applies only to low-level misdemeanor offenses after all sentence requirements have been completed and does not alter or modify a sentence. See *Syed v. Lee*, 488 Md. 537, 597 (2024) (holding that victim notice rights attach to vacatur hearings because vacatur alters a sentence).

¹³ Dr. Laura Chavez and Jesse Kelley, Clean Slate Initiative, Policy Short, Reforming Waiting Periods: Fostering Equity and Unleashing Employment Opportunities, [Reforming Waiting Periods: Fostering Equity and Unleashing Employment Opportunities | The Clean Slate Initiative](#). See also, J.J. Prescott & Sonja B. Starr, The Power of a Clean Slate, [The Power of a Clean Slate | Cato Institute](#).

¹⁴ *Id.*

¹⁵ Chien, Colleen, Alyssa Aguilar, Navid Shaghghi, Varun Guharathi, Rohit Rathish, Matthew Stubenberg, Christopher Sweeney, The Maryland Second Chance Expungement Gap, Paper Prisons Initiative, [The Maryland Second Chance Expungement Gap.pdf](#).

¹⁶ Sonja B. Starr, "Expungement Reform in Arizona: The Empirical Case for a Clean Slate," 52 Arizona State Law Journal 1059, 1076 (2020).

¹⁷ J.J. Prescott & Sonja B. Starr, The Power of a Clean Slate, [The Power of a Clean Slate | Cato Institute](#).