

CLINICAL LAW PROGRAM

**Testimony in Support of House Bill 169
Criminal Procedure - Expungement of Records - Good Cause
Position: Favorable**

To: Delegate J. Sandy Bartlett, Chair, and the Members of the Judiciary Committee

From: Jack Budlow, Student Attorney, Racial Justice and the Law Clinic, University of Maryland Francis King Carey School of Law, 500 W Baltimore St. Baltimore, MD 21201 (admitted pursuant to Rule 19-220 of the Maryland Rules Governing Admission to the Bar).

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The Racial Justice and the Law Clinic (“Clinic”) at the University of Maryland Francis King Carey School of Law engages matters that examine, address, and aim to redress racial inequities and other harms experienced by historically racially marginalized groups. The Clinic supports House Bill 169 (“HB 169”), which seeks to allow an individual to file an expungement petition for “good cause” and for a court to grant the petition based on a number of individualized factors that, if met, illustrate that the individual both desperately needs to have the conviction expunged from their record and deserves to be able to access necessities and pursue opportunities free from the burdens of the conviction.

Criminal records exclude individuals from basic necessities and opportunities. In Maryland, as it true everywhere, a criminal record is associated with prolonged unemployment, recidivism, frayed family ties, and the inability to access basic necessities such as education, public benefits, and housing.¹ These obstacles and struggles are acute in Maryland, as nearly one quarter of Marylanders have a criminal record.²

These records disproportionately impact individuals, families, and communities of color.³ In Maryland, Black people are overrepresented in the criminal legal system.⁴ Therefore, they disproportionately have criminal records, which bring on a network of consequences that often last the rest of their lives. These consequences often make it impossible for individuals—and also their families—to move beyond their records.

¹ E.g., National Inventory of Collateral Consequences of Conviction (criminal records can “limit or prohibit people convicted of crimes from accessing employment, business and occupational licensing, housing, voting, education, and other rights, benefits, and opportunities”), <https://niccc.nationalreentryresourcecenter.org/>; Jesse Kelly et al., *Discretion and Uniformity in Criminal Record Clearance: Maximizing Impact and Racial Equity*, 22 OHIO ST. J. CRIM. L. 43, 45-46 (2025) (noting detrimental impacts of criminal records on employment, housing, and public safety).

² Clean Slate Maryland, *The Problem*, <https://www.cleanslatemaryland.org/problem>

³ Michael Pinard, *Criminal Records, Race and Redemption*, 16 N.Y.U. J. LEGIS. & PUB. POL’Y 963, 967-972 (2013).

⁴ E.g., MARYLAND EQUITABLE JUSTICE COLLABORATIVE, *BREAKING THE 71%: A PATH TOWARD RACIAL EQUITY IN THE CRIMINAL LEGAL SYSTEM* 7 (Mar. 13, 2025) (Black people constitute 30% of Maryland’s population, but “account for 51% of arrests, 59% of the jail population, 71% of the prison population, 71% of the parole population, and 53% of the probation population”), https://oag.maryland.gov/News/Documents/pdfs/MEJC_Report.pdf

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For example, the Clinic represents an individual who was wrongfully convicted of a crime over 50 years ago. He was subsequently exonerated and pardoned. Despite the pardon, he has been unable to move past his record—and the injustice that led to his conviction and incarceration—because he was convicted of a charge that flowed from the wrongful conviction. The conviction remains on his record and he continues to live with the countless collateral consequences stemming from it, including his struggles to obtain gainful employment (employers have refused to retain him once they learned of the conviction) and housing (landlords have refused to rent to him). These struggles have weakened his family.

Our client’s conviction cannot be expunged under current Maryland law. HB 169, if enacted, would help our client because he would be eligible to file a good cause expungement petition. The petition would allow him to detail his odyssey and set forth the myriad reasons why he needs and deserves to have this conviction expunged from his record.

This bill was introduced last year. Two of the main arguments against the bill were that judges would routinely expunge felony convictions and that masses of individuals would flood the courts with good cause petitions. Both arguments are without merit. HB 169 sets out clear—and, for the applicant filing the expungement petition, burdensome—criteria that a judge must consider in determining whether the applicant has established good cause, or not. Also, criminal court is an intimidating arena, particularly for those who have been through the criminal legal system. Under this bill, individuals who have completed their sentences several years prior would have to insert themselves back into a courtroom and appear before a judge, an exercise that is both daunting and, quite frankly, desperate.⁵ Thus, in all likelihood, the individuals who file a good cause petition would expose their vulnerability by putting their desperation on display; they would urgently need the relief that expungement would afford and believe that they have satisfied the criteria that the judge must consider.

HB 169, if enacted, would bring the possibility of much needed and deserved relief to individuals who have both rehabilitated and suffered— for *at least* several years—from the burdens of the conviction they would be seeking to expunge for good cause. For this reason, the reasons set forth above, and many other reasons, the Clinic respectfully asks the Committee to issue a favorable report.

This written testimony is submitted on behalf of the Racial Justice and the Law Clinic at the University of Maryland Francis King Carey School of Law and not on behalf of the School of Law, the University of Maryland, Baltimore, or the University System of Maryland

⁵ Reckoning with Trauma in Court, Center for Justice Innovation (May 13, 2025) (noting that “[m]ost people in the criminal justice system have experienced some form of trauma” and that “contact with the justice system—getting arrested, going to court, or spending time in jail or prison—can retraumatize people further . . .”), <https://www.innovatingjustice.org/updates/how-courts-can-address-trauma/>.