

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
SB 860 – Criminal Procedure – Postconviction Review – Motion to Vacate

Senate Judicial Proceedings Committee
March 5, 2020



Health Care for the Homeless supports SB 860, which would give the State’s Attorney or a defendant the authority to file a motion to vacate a probation before judgment or judgment of conviction for marijuana possession charges.

SB 860 will help end homelessness by reducing barriers to employment and housing. Criminal records create almost insurmountable barriers to obtaining employment, housing, education, and other critical resources like social safety net programs.¹ At Health Care for the Homeless, we have seen this firsthand – our clients have been denied gainful employment even due to marijuana on their record, causing them into homelessness or to remain homeless. Therefore, the ability to clear a person’s record of marijuana convictions will have a significant impact in providing greater and more expedited housing opportunities for our clients.

The Maryland General Assembly has already recognized the utility of being able to expunge records related to the possession of marijuana when they expanded the law to make the possession of marijuana and eligible for expungement² if more than 4 years after the disposition date.³ Given the barriers criminal records pose to a person’s ability to procure housing and employment, coupled with the acknowledgement by the General Assembly that reform is needed for how we treat marijuana possession in the criminal justice system, it only makes sense to extend this logic and allow for the filing of a motion to vacate for marijuana convictions.

Health Care for the Homeless strongly supports SB 860 because it reduces barriers to employment and housing – and so is an important measure that will help reduce the incidence of homelessness. SB 860 rightly recognizes that individuals should not be penalized or stigmatized for charges they received where they have paid their debt to society. As such, we strongly urge a favorable report by the committee.

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit www.hchmd.org.

¹ See American Public Health Association, *Housing and Homelessness as a Public Health Issue* (Nov. 2017), available at <https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>.

² MD Code Ann., Crim. Proc., § 10-105(a)(12).

³ MD Code Ann., Crim. Proc., § 10-105(c)(8).