



MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN OPPOSITION TO: SB617 – CRIMINAL PROCEDURE -
EXPUNGEMENT - ENTITLEMENT
TUESDAY, FEBRUARY 23RD, 2021

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Chair Smith and distinguished members of the committee, thank you for the opportunity to testify in opposition to Senate Bill 617.

My name is Christopher Sweeney and I am the Staff Attorney for the Workforce Development Project at the Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS’ founding in 1981, our statewide panel of over 1,700 volunteer lawyers, has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY20, MVLS volunteer and staff lawyers provided legal services to 4,459 people across the state. Through our Workforce Development project, we encounter many clients who face driver’s license suspensions and their collateral consequences. For the reasons explained below, we respectfully request an unfavorable report on Senate Bill 617.

MVLS’ Workforce Development Project is a partnership with occupational training programs in Baltimore City, and is a continuation of the Mayor’s Office’s ‘One Baltimore for Jobs’ pilot program. The Mayor’s Office of Employment Development began One Baltimore for Jobs as a response to the civil unrest in 2015. The project supports job programs, social services programs, and legal services programs in Baltimore, and connects those programs with support from state agencies such as the Office of Child Support and the Motor Vehicle Administration. Though funding for legal services via One Baltimore for Jobs has ended, MVLS has continued its part of the project and currently supports six workforce programs in Baltimore. MVLS works with Civic Works, Job Opportunities Task Force, Jane Addams Resource Corporation, Caroline Center, Bon Secours Community Works, Biotechnical Institute of Maryland, and Helping Up Mission to provide ‘wrap-around’ services – supplementing the trainees’ social services with legal services. The goal of the program is to make participants more job-ready by reducing barriers to employment.

Each of the clients I serve through the Workforce Development Project is enrolled in courses to receive job skills training and certification in areas such as welding, machine operation, nursing, pharmacy tech, construction, and weatherization. These non-profit programs are free to students, and are aimed at providing re-entry opportunities for those who were previously incarcerated or who simply lacked educational and employment opportunities due to the experiences of poverty. Many the clients MVLS serves through this program have been charged with crimes in the past. They are seeking to turn their lives around through sustainable employment. These clients are typically not working, or working very few hours, due to their enrollment in job training classes. We assist with criminal record expungement so that these clients

will be employable once they graduate from their programs. Placing additional burdens on those who are seeking to move forward with their lives will not be good for Maryland – it will mean less people with access to employment.

Because of our work serving Marylanders with low or no income, we respectfully oppose this bill's provision that would prevent expungement for people who owe fines to the court. In a typical year, I assist approximately 250 to 300 people with criminal record expungement. My clients live below or near the poverty line, and often cannot afford fines and fees that would seem reasonable to many people. The prohibition on expungement contained in this bill would create a 'catch-22' for people living in poverty who have a criminal record – they need to expunge their case to get a job, so they must pay the fee to expunge their case, but they cannot pay the fine without getting a job. Though it is reasonable to expect people to pay fees they've incurred, this provision would ultimately trap more people in the cycle of poverty rather than allowing them to move on with their lives.

A person's entitlement to seek relief from the court should not depend on their ability to pay fees assigned by that court. The Central Collections Unit exists to collect debt owed to state entities. Since a debt collection mechanism already exists for these court fees, adding additional hurdles for expungement is simply not necessary.

Regarding this bill's other provision related to sex offenses, it is our position that people who are charged with a crime, but not convicted, should be able to expunge the charge.

Maryland's General Assembly has taken great strides in the past several years to expand access to expungement. The ability to expunge cases where no guilty verdict was entered, and, more recently, certain non-violent convictions after a waiting period, has allowed countless Marylanders to re-enter the workforce and no longer be defined by their past mistakes. After several years of legislation that makes it easier to expunge cases, now is not the time to move backward by placing additional burdens on those who want to clean up their records.

Thank you, again, for the opportunity to testify. We respectfully request an unfavorable report on Senate Bill 617.