



TESTIMONY IN SUPPORT OF SB0201:

Criminal Procedure – Expungement of Records – Waiting Period

TO: Hon. William C. Smith, Chair, and Members of the Judicial Proceedings Committee

FROM: Korey T. Johnson, Esq., Senior Policy Research Analyst

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The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland, particularly individuals with a criminal background. We strongly support Senate Bill 201 as a means of encouraging meaningful employment due to the current structural inequities that are a result of criminal records.

A criminal record can be both the cause and consequence of poverty. An estimated 70 million Americans – nearly one in three adults – have a prior arrest record, with approximately 10,000 to 12,000 new names are added each day. Low-income workers are routinely denied employment, housing, and educational opportunities because of a criminal record. Worse yet, in the State of Maryland, a criminal record is acquired upon arrest, *whether or not a person is ever convicted of a crime*. Anything that occurs after an arrest is documented on an individual’s criminal record and, in Maryland, will remain publicly visible until the charges and dispositions are expunged.

With the rapidly expanding use of background checks, job seekers determined to be productive citizens are routinely excluded from consideration for jobs even for minor offenses that sometimes-occurred years ago. Many employers often refuse to hire applicants with criminal records; and, jobseekers with a criminal background apply for jobs for which they are well-qualified but do not have their applications even considered, even for a non-conviction record. Moreover, Maryland’s Court System allows criminal record information to be posted online. This means an individual’s criminal history is no longer strictly used for law enforcement purposes or sentencing, but hiring decisions.

Current Maryland law indicates that a court or police record may not be expunged by obliteration until three (3) years after the disposition of the charge. As such, even if a defendant was *not found guilty*, the record *remains accessible* to the public during the (3) year period. Further, as a result of the racialized criminal justice process, the current expungement waiting period disproportionately impacts communities of color, particularly in the State of Maryland. With nearly 70% of its prison population being Black, Maryland has the most extreme racial disparities for those incarcerated for long term crimes in the United States.

JOTF JOB OPPORTUNITIES TASK FORCE

Advocating better skills, jobs, and incomes

Senate Bill 201 seeks to address this by altering, from 3 years to 18 months, the amount of time that a person must wait before seeking expungement of certain records under certain circumstances. The Job Opportunities Task Force is all too familiar with the far-reaching consequences of incarceration on low-income families, toiling to eliminate employment barriers for Marylanders struggling with a criminal record. For these reasons, we urge a favorable report of Senate Bill 201.