

HB 238-Support

Criminal Procedure – Automatic Expungement

Testimony of Carolyn Johnson, Managing Attorney
Homeless Persons Representation Project, Inc.
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House Judiciary Committee

Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP has provided free criminal record expungement services to thousands of low-income Marylanders.

HB 238 will expand access to expungement for vulnerable Marylanders.

The Homeless Persons Representation Project strongly supports HB 238. HB 238 provides that a person is entitled to automatic expungement if the person's charges result in a non-conviction. Under current law individuals must file a petition with the Court to expunge these charges. This petition system penalizes vulnerable individuals who are unaware of their legal rights to expungement and do not understand that these non-convictions appear on their criminal record. In addition, the current petition process is fraught with delays and getting worse. In Baltimore City it typically takes 5-6 months after a petition is filed to receive an Order from the Court. Further, while the current law requires custodians to expunge their records within 60 days of the Court Order that rarely occurs, instead taking 4-6 months. HB 238 will increase access to expungement by removing the barriers created by the complicated and lengthy Court petition process.

Criminal records disproportionately impact people experiencing homelessness and communities of color.

The burden of criminal records falls disproportionately on Black and brown communities, the poor, and people experiencing homelessness. The number of Americans caught in the revolving door between homelessness and the criminal justice system are in the tens of thousands.¹ Roughly 48,000 people exit jail/prison into homelessness each year.² Formerly incarcerated people are almost 10 times more likely to be homeless, with Black women experiencing the highest rate of homelessness.³

¹ U.S. Interagency Council on Homelessness, Reduce Criminal Justice Involvement, August 15, 2018, available at <https://www.usich.gov/solutions/criminal-justice>.

² Id.

³ Prison Policy Initiative, Nowhere to Go: Homelessness among formerly incarcerated people, August 2018, available at <https://www.prisonpolicy.org/reports/housing.html>.



In Baltimore City 48% of homeless adults have at least 1 criminal charge⁴ and, similar to national data, Black individuals are disproportionately impacted. While Black individuals represent 64% of Baltimore City residents, they comprise 82% of homeless individuals with criminal charges.⁵ Criminal records both cause homelessness and prevent individuals from ending their homelessness. The faster criminal records can be expunged the faster individuals can end their homelessness.

HB 238 will help homeless individuals gain greater access to housing and employment.

Employers and landlords often discriminate against anyone with a criminal record regardless of its content, age or direct relationship to employment or housing. A 2015 national report on criminal record barriers to federally subsidized housing found that housing providers have unreasonably long lookback periods, 10 and even 20 years, for a wide variety of crimes.⁶ Such practices exclude far more people than necessary to preserve public safety and result in the denial of housing to those with minimal criminal records including records of non-convictions. Permitting automatic expungement will increase access of individuals experiencing homelessness to the critical permanent housing resources and employment opportunities needed to end their homelessness.

Please support HB 238 and issue a favorable report.

If you have any questions, please contact Carolyn Johnson, Homeless Persons Representation Project at 410-657-5034; cjohnson@hprplaw.org

⁴ Journey to Jobs: Understanding and Eliminating Barriers Imposed on Homeless Jobseekers, available at <https://www.journeyhomebaltimore.org/journey-to-jobs/>

⁵ Id.

⁶ Sargent Shriver National Center on Poverty Law, When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing, February 2015, available at <http://povertylaw.org/sites/default/files/images//publications/WDMD-final.pdf>

