



HB 238 Criminal Procedure - Automatic Expungement
Judiciary
February 23, 2021
Support

Chairman Clippinger, Vice-Chair and members of the committee, thank you for the opportunity to provide testimony in support of House Bill 238. This bill creates a process to remove the public records of arrest for eligible individuals who were not convicted.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

House Bill 238 is as much an issue of justice as it is one of addressing poverty. Once a person has completed the requisite legal proceedings and the law has determined them to be clear of the charge, that experience should not become a burden. Unfortunately the lived experience of many citizens has proven otherwise.¹ Individuals with arrest records experience unreasonable barriers to finding employment and maintaining employment and in procuring housing. The threat to the ability to earn money and have a place to live creates instability and further contributes to poverty.

Poverty is also a driving factor in increased interaction with the criminal justice system. Federal data showed that nearly half of people with multiple arrests had incomes of less than \$10,000.² A system where low income individuals not only have a higher chance of being apprehended by law enforcement, but those same interactions compound and deepen their poverty. The hardship of the current process of expungement is particularly onerous and costly for those who are indigent and accused. Many experts recommend implementing a direct process in expungement for non-convicted individuals as a key strategy in achieving better outcomes.³ It is a tool many other states are finding success with.⁴

House Bill 238 provides a path for those who are not convicted to have a fairer chance at economic self-sufficiency and does not burden those with limited means in pursuing the legal resolution needed to maintain basic livelihood.

For these reasons, we urge this Committee to return a favorable report on HB 238.

¹<https://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>

²<https://www.prisonpolicy.org/reports/repeatarrests.html>

³<https://www.nacdl.org/getattachment/4a1f16cd-ec82-44f1-a093-798ee1cd7ba3/collateral-damage-america-s-failure-to-forgive-or-forget-in-the-war-on-crime-a-roadmap-to-restore-rights-and-status-after-arrest-or-conviction.pdf>

⁴<https://ccresourcecenter.org/2020/08/24/non-conviction-records-a-national-survey/>