



# MARYLAND LEGAL AID

*Advancing*  
**Human Rights and  
Justice for All**

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February 19, 2021

The Honorable Luke H. Clippinger  
Chairman, Judiciary Committee  
House Office Building, Room 101  
6 Bladen Street  
Annapolis, MD 21401

RE: Testimony Supporting House Bill 238 – Criminal Procedure – Automatic  
Expungement

Dear Chairman Clippinger and Members of the Committee:

Thank you for the opportunity to provide testimony in support of this important bill. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law (e.g., bankruptcy and debt collection), and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. Maryland Legal Aid supports House Bill 238 and asks that this committee give it a favorable report.

This letter serves as notice that Tim Darby, Esq. will testify on behalf of MLA in support of HB 238 at Delegate Melissa Wells' request. Mr Darby is a part of MLA's Community Lawyering Initiative, which brings legal services into communities to ensure that the most marginalized citizens have access to advocacy within our justice system. Through programs like Lawyer in the Library, expungement clinics, and online "know your rights" seminars, MLA reaches Marylanders statewide and assists them with criminal record expungement and other barriers to employment. Since 2016, Legal Aid has represented over 10,000 expungement clients and filed over 50,000 expungement petitions.

House Bill 238 will benefit many Marylanders, especially those in communities that are subject to over-policing and other manifestations of systemic oppression. MLA frequently represents clients who have the following dispositions on their criminal record: nolle prosequi, stet, acquittal, and dismissal. Many of these cases are decades old. They are all in the public record and free for all to see.

Marylanders who have never been convicted of a crime carry their case records as a scarlet letter. A criminal record impacts the most critical aspects of their lives. The public often misunderstands these records and citizens are penalized in their communities, despite never being found guilty. Many MLA clients have lost jobs or been overlooked during the hiring process because an employer saw charges for which the client was never convicted. Similarly, landlords often reject potential tenants when these dispositions appear on background checks or the Maryland Judiciary Case Search.

As the law currently exists, individual Marylanders have the burden of filing petitions for expungement, a legal process that many do not even know exists, let alone how to navigate. Cases that are expungable under current law often take a year or more to expunge, and are frequently scheduled for in-person hearings, further delaying the process. These cases draw resources away from Maryland's courts and create undue burdens for low-income individuals who have to arrange travel and childcare. During the COVID-19 pandemic, some jurisdictions have not been consistently returning expungement orders to petitioners, leading to ambiguity and confusion.

Not only will House Bill 238 free judicial resources for use elsewhere by eliminating unnecessary court hearings, it will allow non-profit attorneys to allocate more time and resources to assist Marylanders with emerging issues. The economic devastation of the COVID-19 pandemic on Maryland's poor has only just begun. HB 238 will enable more free legal representation for Marylanders to navigate the upcoming eviction and foreclosure crises, transition from abusive domestic relationships, and obtain economic benefits.

Thank you for providing MLA the opportunity to comment on this important piece of legislation. Legal Aid strongly supports HB 238 and asks that this committee give it a favorable report.

/s/ Tim Darby

Tim Darby, Esq.

Staff Attorney, Community Lawyering Initiative

Maryland Legal Aid