



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

**STATEWIDE
ADVOCACY SUPPORT UNIT**

Cornelia Bright Gordon, Esq.
Director of Advocacy
for Administrative Law
(410) 951-7728
cbgordon@mdlalab.org

Gregory Countess, Esq.
Director of Advocacy
for Housing & Community
Economic Development
(410) 951-7687
gcountess@mdlalab.org

Anthony H. Davis, II, Esq.
Director of Advocacy
for Consumer Law
(410) 951-7703
adavis@mdlalab.org

Erica I. LeMon, Esq.
Director of Advocacy
for Children's Rights
(410) 951-7648
elemon@mdlalab.org

January 28, 2022

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

Re: Testimony Supporting House Bill 122 – Expungement of Records –
Expansion

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, and criminal record expungements to remove barriers to obtaining child custody, housing, a driver's license, and employment. MLA supports HB 122 and asks that this committee give it a favorable report. Timothy Darby, Esq. will testify on behalf of MLA in support of HB122 at Delegate Wanika Fisher's request.

Mr. Darby is 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 the 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, MLA has represented over 10,000 expungement clients and filed over 50,000 expungements petitions.

HB122 will benefit thousands of Marylanders, especially those in communities subject to over-policing and other manifestations of systemic oppression. MLA frequently represents clients who have stet and probation before judgment dispositions on their criminal record. Many of these cases are decades old. They are all in the public record and accessible for all to see.

Marylanders with stet and probation before judgment dispositions carry their cases as a scarlet letter. These case records impact the most critical aspects

EXECUTIVE STAFF

Wilhelm H. Joseph, Jr., Esq.
Executive Director

Stuart O. Simms, Esq.
Chief Counsel

Gustava E. Taler, Esq.
Chief Operating Officer

Administrative Offices
500 East Lexington Street
Baltimore, MD 21202
(410) 951-7777
(800) 999-8904
(410) 951-7778 (Fax)

www.mdlalab.org
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of their lives. The public often misunderstands these dispositions, and citizens are penalized in their communities despite never being convicted of a crime. 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.

Currently, 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 expungable under current law often take a year or longer 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 often must retain counsel and arrange travel and childcare.

Last year, the General Assembly made history when it codified Criminal Procedure §10-105.1, which will automatically expunge cases for thousands of Marylanders who were never convicted of a crime. However, Marylanders who have cases with stet and probation before judgment dispositions are not afforded the same benefit, even though their cases also did not result in a conviction.

Those who oppose HB122 argue that it creates a cycle of repetitive lawbreaking, arrest, and expungement. This bill will not expunge any case that is not already eligible under the current law. Judges and State's Attorneys will retain all existing authority over these cases. HB122 alleviates a logistical burden that, in practice, is insurmountable for thousands of Marylanders.

Thank you for the opportunity to comment on this vital piece of legislation. Maryland Legal Aid strongly supports HB122 and asks that this committee give it a favorable report.

/s/ Timothy Darby

Timothy Darby Esq.
Staff Attorney
Community Lawyering Initiative
Maryland Legal Aid