

SENATOR JEFF WALDSTREICHER
Legislative District 18
Montgomery County

Vice Chair
Judicial Proceedings Committee

Joint Committee on Federal Relations



Annapolis Office
Miller Senate Office Building
11 Bladen Street, Suite 2 East
Annapolis, Maryland 21401
301-858-3137 · 410-841-3137
800-492-7122 Ext. 3137
Jeff.Waldstreicher@senate.state.md.us

The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

Testimony of Senator Jeff Waldstreicher Senate Bill 37 – Criminal Procedure – Expungement of Records – Waiting Periods (REDEEM Act of 2023)

February 2, 2023

Chairman Smith & Members of the Judicial Proceedings Committee:

As you know, criminal records follow an offender long after their debt to society has been repaid. These records often act as impediments to gainful employment, education, housing, public assistance, occupational licensing, and much more. The majority of the 15,000 Marylanders released from state prisons every year struggle to secure a job, find a place to live, and re-enter society. The REDEEM Act of 2023 would remedy this inequity by modernizing Maryland’s expungement waiting periods for certain misdemeanors and non-violent felonies.

Maryland’s current expungement structure, including its waiting periods, were part of a historic bipartisan compromise known as the Justice Reinvestment Act. The bill was shepherded by the Chairman, with strong support from Senator Hough, Senator West, and Governor Hogan—who enthusiastically signed the bill. Now 7 years old, the passage of time allows us to evaluate how our expungement waiting periods compare to the waiting periods in other states.

And what we find, unfortunately, is that Maryland has longer expungement waiting periods than most other states. Indeed, 42 states have shorter waiting periods for misdemeanor expungement, including deep red states like Texas, Alabama, Mississippi, and Utah.

And unlike other states, the waiting period kicks in after an offender has completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. There’s nothing wrong with that as policy, but in practice unfortunately it can create unintentionally absurd results. Because in most instances, the waiting periods are far longer than the actual sentence.

In order to better align Maryland with other states, the REDEEM Act of 2023 makes the following changes to our expungement waiting periods:

1. *Eligible* misdemeanors
 - a. From 10 to 3 years
2. Contact misdemeanors (common-law battery & 2nd degree assault)
 - a. From 15 to 5 years
3. *Eligible* non-violent felonies
 - a. From 15 to 5 years

Let me make one thing clear. Here's what the bill does NOT do: It does not expand or change in any way the misdemeanors or felonies eligible for expungement. The eligibility of an offense is defined in the Justice Reinvestment Act, and that eligibility is unaltered here. This legislation simply rationalizes the waiting period for offenses that are already eligible.

In sum, Maryland law should not be the reason that returning citizens are locked out of employment over a decade after they have repaid their debts to society. This legislation will improve offender re-entry, reduce recidivism, and is a logical and necessary addendum to the bipartisan work of the Justice Reinvestment Act. For these reasons, I respectfully urge a favorable report on Senate Bill 37.

Very truly yours,

A handwritten signature in black ink that reads "Jeff Waldstreicher". The signature is written in a cursive style with a large, stylized "J" and "W".

Senator Jeff Waldstreicher