

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of District 46, Baltimore City and a member of Showing Up for Racial Justice, and **I am testifying in support of Senate Bill 37.**

Senate Bill 37 reduces the waiting period for expungement for many nonviolent misdemeanor and felony convictions to three (3) to five (5) years after completing any mandatory supervision, including parole and probation, depending on the conviction.



The appearance of a criminal record in a routine background check can, and often does, block access to employment, education, housing – all of which are necessary to survive in Maryland. A criminal record can also block occupational licensing and other portals to being a contributing member of society.

For how long must someone be relegated to second- or third-class citizenship – or worse, to the underground economy?

Unfortunately, Maryland has drastically longer waiting periods for expungement than most other states in the nation. Maryland Code Ann., Criminal Procedure §10–110 states that an individual must wait 10 years before they are eligible to expunge most nonviolent misdemeanor convictions from their record, 15 years for a common-law battery or 2nd-degree assault conviction, and 15 years for a non-violent felony. The waiting period kicks in after they have completed their entire sentence, parole or probation, drug treatment, and any mandatory supervision. In most instances, the waiting periods are FAR longer than the actual sentence, leaving individuals released from incarceration with barriers to supporting themselves and their families! According to last year's report from Collateral Consequences Resource Center (CCRC)¹, forty-two (42) other states have shorter waiting periods for misdemeanor expungement, including Texas, Alabama, Mississippi, and Utah. With regard to non-violent felonies, Maryland ranks 35th in the nation on expungement waiting periods, far behind Colorado, Arkansas, North Dakota, and Oklahoma. Maryland Code Ann., Criminal Law §14–101 lays out which crimes are considered “crimes of violence” and makes it clear that none of them are eligible for expungement.

Nonviolent misdemeanors, such as public urination, sleeping on a park bench, or riding public transit without a fare, are frequently the result of poverty or homelessness. Expunging these records after completion of any sentencing prevents these small violations from holding back someone who is ready to look for a job or apply for housing. It helps to break one link in the chain of poverty and disenfranchisement.

For these reasons, I am encouraging you to vote **in support of Senate Bill 37.**

Thank you for your time, service, and consideration.

Sincerely,
Liz Simon-Higgs
308 E Randall Street, Baltimore, MD 21230

¹ <https://ccresourcecenter.org/wp-content/uploads/2022/02/Waiting-Periods-Draft.2.22.21-2.pdf>