

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Expungement

The problem

“[Criminal records](#) are more than just files stowed away in a database—they can stand in the way of renting an apartment, securing a job or a work credential, gaining admission to or paying for college, keeping custody of children, leaning on public benefits programs when needed, and voting in elections.” To those who have had encounters with the criminal justice system, these facts are well-known.

“[Expungement](#) removes information about a case from court and law enforcement records.” Maryland residents whose cases meet certain conditions may have their criminal records expunged.

Under current Maryland law, however, you must petition for expungement even if: you were not found guilty; the charge was dismissed; you were not prosecuted; the conviction is no longer a crime; you were not found criminally responsible; you were pardoned by the Governor.

Moreover, a significant number of Maryland residents do not benefit from laws that would allow them to clear their criminal records because they are unaware of [how to access expungement](#) or cannot afford the required court fees.

There is a further problem. Under current Maryland law, criminal records with charges that did not result in a conviction are eligible for expungement. Unfortunately, Maryland’s “unit rule” permanently prohibits expungement of eligible charges unless all charges within a “unit” are eligible for expungement. In other words, [you are not eligible](#) “unless all charges in your case can be expunged; if two or more charges arise from the same incident, they are considered a unit.” This means that acquittals and other favorable dispositions become ineligible for expungement if a conviction is contained within a unit that also includes a conviction that is not expungeable.

The proposal

In 2023, MAJR will join the Job Opportunities Task Force (JOTF) to support legislation that would allow expungement in several different kinds of cases. The three main proposals are as follows.

1. Convictions. The [Redeem Act of 2023](#) would reduce the waiting period for expungement of eligible convictions.

- The waiting period for eligible misdemeanors would be reduced from 10 years to 3 years.
- The waiting period for eligible felonies would be reduced from 15 years to 5 years.
- The waiting period for contact misdemeanors (second degree assault and battery) would be reduced from 15 years to 5 years.

2. Nonconvictions. The [Automatic & Immediate Expungement: Nonconvictions](#) bill would make nonconvictions eligible for expungement immediately, instead of after 3 years, by [storage, not obliteration](#).

3. Expedited action. The [Good Cause bill](#) would, as its name implies, allow judges and courts to expunge criminal records at any time for good cause. For example, a Marylander might have a good record generally, but have a simple possession of drugs record that prevents her or him from obtaining access to an educational or employment opportunity. The court might find good cause to shorten a longer waiting period.

Learn more

Clean Slate, [We All Deserve a Chance for Redemption](#), September 2022.

Ritza Hendricks, [“Johns Hopkins Expungement Clinics Open Doors to New Opportunities,”](#) Johns Hopkins *HUB*.

Job Opportunities Task Force, [The Effects of a Criminal Record on Job Seekers in Maryland](#), September 2020.

Jeff Jones, [“Transformative Record Sealing Law Passes,”](#) Legal Aid Justice Center (Virginia), February 2021.

Stephani Labelle, [Why Criminal Record Expungement is Critical for the Growth of Communities](#), *Attorney at Law Magazine*.

Alexander Lekhtman, [Learn How to Clear Your Record \(For Free\)](#), *Filter Magazine*, September 2021.

Margaret Love and David Schussel, [Waiting for Relief: A National Survey of Waiting Periods for Record Clearing](#), Collateral Consequences Resource Center, February 2022.

[Maryland Courts Help](#), Expungement (Adult).

National Conference of State Legislatures, [Automatic Expungement of Juvenile Records](#), November 2021.

National Expungement Database Center, [Is Your Slate Clean?](#)