

## SUPPORT HB 664 – “good cause” expungements

### MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Luke Clippinger and House Judiciary Committee  
FROM: Phil Caroom, MAJR Executive Committee  
DATE: February 23, 2023

Maryland Alliance for Justice Reform (MAJR-[www.ma4jr.org](http://www.ma4jr.org)) supports HB 664 that would allow judges to expunge criminal records at any time for good cause.

Notably, HB 664 would not change the types of offenses for which expungement is available. However, a strict “one-size-fits-all” system should not prevent judges from recognizing and supporting individuals who have earned another chance.

For example, a judge might receive information that a young person has a record of simple possession of drugs that prevents her or him from obtaining access to an educational or employment opportunity. Many such programs may carry their own safeguards – such as ongoing student mentoring, employee drug-testing, etc. The judge also would have easy access to records to confirm whether the applicant cooperated well with parole or probation supervision and whether the applicant has any new offenses pending.

The legislature can’t anticipate all the details of every such possibility; but, judges have the opportunity to evaluate each case and to weigh public safety concerns – as they do every day. When an individual otherwise has a good record and is well-qualified for such an opportunity, a judge should have the opportunity to find good cause to shorten a longer waiting period.

Scientific evidence supports waiting periods shorter than those now embedded in Maryland expungement law which make some offenders wait 3 years, some 10 years, and some 15 years before being permitted to apply for expungement: Studies show that, when an offender cooperates with substance abuse treatment and becomes abstinent for two years, the percentage who commit new offenses becomes much lower. See, for example, [https://www.naadac.org/assets/2416/whitewl2012\\_recoveryremission\\_from\\_substance\\_abuse\\_disorders.pdf](https://www.naadac.org/assets/2416/whitewl2012_recoveryremission_from_substance_abuse_disorders.pdf) With five or six years’ abstinence, relapse is resisted by 80%. There is no scientific basis for our current policies requiring the excessive waiting periods of 10 to 15 years.

**For all these reasons, MAJR supports HB 664 to improve young Marylanders’ employment and education opportunities via “good cause” expungements when they have earned these second chances.**

*PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary.*