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POSITION ON PROPOSED LEGISLATION

BILL: SB 767 -- Criminal Procedure -Human Trafficking- Vacatur and Expungement

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 3/7/22

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 767.

Over 15 years ago, the Public Defender's Office began offering a weekly expungement clinic that was available to former clients throughout Maryland. We assisted thousands during this time; and one of the hardest clients to address were victims of human trafficking. So often the person was ashamed and did not want to discuss the cases. The emotional hurt was still present even with years having passed. You could not simply inform the client - "here's your eligible cases and sign the dotted line." It was important to listen to them, take time, and offer guidance.

It may seem like a small thing to add the option for the Courts to "dismiss" the charges but it is not. When a disposition is not a disposition that is specially listed under the Expungement Statute, too often Judges have felt their hands tied. This addition to Md. Code, Crim Proc § 8-302 will make clear that a conviction vacated under this section will now be eligible and any confusion will be eliminated. It will make it so much easier for a victim of human trafficking to have their cases expunged WITHOUT having to once again "tell their story." Since that is what will happen, if the State objects due to an ineligible disposition and a hearing is scheduled.

The Public Defender has advocated for change to allow our clients to move forward and not be burdened with the stigma of a criminal record years after the act - including not just what is on a person's RAP sheet but what is available on Maryland Judiciary Case Search and the information that has been obtained and disseminated by private databases. I like to refer to expungement as a form of legal redemption that should be accessible to all who have changed their lives and their stories for themselves and their families.

The Maryland Office of the Public Defender strongly supports these additional changes to the existing law. And, for these reasons, the Maryland Office of the Public Defender strongly urges this Committee to issue a favorable report on Senate Bill 767.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

Written by: Mary Denise Davis, Chief Attorney of the Central Booking and Bail Unit at the Maryland Office of the Public Defender.