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POSITION ON PROPOSED LEGISLATION

BILL: SB 118 Criminal Procedure - Expungement and Shielding - Probation

Before Judgment for Driving While Impaired or Under the Influence

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: January 23, 2024

The Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 118.

The Public Defender's Office established a weekly expungement clinic in the NorthWest area of Baltimore and partnered with other organizations to offer an annual event - Back to the Neighborhood: How to Succeed with a Criminal Record." During this time, we came to learn the importance of the availability of expungement and how expungement can change lives.

Since 2007, there have been major changes in the expungement law. Each year, the legislators have introduced modifications and some have been signed into law. These laws have had an impact for so many Maryland residents and will continue to do so for individuals in the years to come.

The Public Defender has advocated for changes to allow our clients to move forward without the burden of the stigma of a criminal record years after the sentence has concluded and punishment has been completed. This stigma comes from more than just the conviction(s) on a person's RAP sheet, but can also include all that is available on Maryland Judiciary Case Search and MDEC. There is also a concern that information that has not been expunged or shielded can be obtained and disseminated by private databases. These traces of charges and convictions can follow individuals decades beyond their involvement in the criminal legal system.

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. For some clients, the past remains in the past but for many clients it will resurface when they are looking for employment or advancement in their current jobs; looking for better housing opportunities; or looking to further their education.

This bill would allow individuals to file for expungement or shielding who have received a probation before judgment (a non-conviction under Maryland law) for driving while impaired charges under the Transportation Article §21-902 only. It will not include the more serious driving while impaired offenses.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB118.

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

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