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## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 1030 // HB 523**

**Criminal Procedure - Expungement of Records - Good Cause**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: March 1, 2024**

The Office of the Public Defender supports Senate Bill 1030//House Bill 523. The Office has counseled and advised thousands of members of communities throughout Maryland over the years through our individual representation to our participation in community events. We offered a weekly expungement clinic in Northwest Baltimore and provided an annual expungement called “Back to the Neighborhood: How to Succeed With a Criminal Record.” We have filed, argued, advocated, and reformed the expungement laws along with our community partners.

The Maryland General Assembly has taken huge steps forward in providing assistance to Maryland citizens through expanding the eligibility of dispositions and the automatic expungement of favorable dispositions. Thank you - for you may not realize how many lives you have impacted for the better.

Senate Bill 1030//House Bill 523 is a welcome and needed addition to the language of the expungement statute. Three recent appellate decisions have turned the filing of an expungement petition on its head. In particular, *In Re Expungement Petition of Abhishek I.*, 244 Md.App 464 (2022). The appellate court indicated that anyone that has any type of a violation of probation would not be eligible for expungement. This decision is counter intuitive to the whole expungement statute. To preclude expungements of convictions under Criminal Procedure §10-110 because of a mere technical violation, for example, makes no sense. The whole purpose of the expungement language in §10-110 is to allow the Judge to look at the

individual at that moment in time - not - 5-10-20 years ago. The expungement statute should not be so draconian.

This Session, Senate Bill 1030////House Bill 523 will allow a Judge to grant or deny an expungement petition for any conviction based on who the person is at the time of the filing. It understands that no one ever has completely clean hands when they are asking for relief for their convictions through the expungement process. Senate Bill 1030//House Bill 523 will take another step towards making Maryland a State that not just believes in second chances but actually allows those chances to happen.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 1030//House Bill 523.**

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

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