

TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73

Criminal Procedure - Expungement - Completion of Sentence

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee

FROM: Glenn Rosenberg

[Glenn Rosenberg/ Cares Act to help others]

[Glenn Rosenberg] support(s) Senate Bill 454/ House Bill 73 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

This Bill Says it all; this would help All Marylanders Live a Normal Life Again.

The COSA Ruling about any probation violation that any conviction that had a violation of probation would (never) be eligible for expungement. Now they are adding another person that can change your life forever. I find it extremely hard to believe that they interpreted unsatisfactory for a probation violation to mean never eligible for expungement. Is there any other State in the USA that has this rule? It seems like we are living in a communist country. If they violate a person and give him time in jail and he completes that that should be the end of it. I have no idea what the COSA is thinking. This is one reason we have so much crime in Maryland and it seems it is starting with kids. This has nothing to do with the present gun laws. We can't even enforce the ones we have now. They do this because they know they can get away with it and being under age there is very little that can be done to them if anything at all. Kids are learning faster and have access to more information than they did when I was a kid. Most of the older people that get out of jail or prison are not carjacking and shooting as much as the young kids. It is wrong to make a law like this retroactive when the judges nor the probation officers had no idea this would happen. It has always been the court that gave a sentence and to add to it, is unconstitutional. North Carolina vs. Pierce (1969) there is no doubt it makes it a harsher sentence than the court can give.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not "satisfactorily completed the sentence" (regardless of the nature of the violation). Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting's in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at "the **time when a sentence has expired**, including any period of probation, parole, or mandatory

supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society. For these reasons, **we urge a favorable report.**