



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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**BILL: SENATE BILL 11**

**POSITION: LETTER OF INFORMATION**

**EXPLANATION:** The bill (1) repeals the prohibition on expungement of a charge within a “unit” of charges unless all of the charges in the unit are eligible for expungement and authorizes a person to file a petition for partial expungement of eligible charges when two or more charges arise from the same incident, transaction, or set of facts, and one or more of the charges are not eligible for expungement and (2) requires the court to order that a police or court record regarding the charges eligible for partial expungement be removed from the public website maintained by the Maryland Judiciary and within records submitted to the Central Repository.

#### COMMENTS:

- The Department of Public Safety and Correctional Services (DPSCS) houses the Criminal Justice Information System (CJIS) which is the repository for law enforcement to access criminal history record information, fingerprints, etc., and provides background checks to statutorily authorized entities.
- According to the bill, if charges are not eligible for expungement, the court may order the information to remain as it is in the system and limit its inspection to criminal justice agencies. To accomplish such a task, the Department’s Information, Technology and Communications (ITCD) Unit would have to reprogram its systems in order to filter out which records are limited and which records can be fully shared. In order to implement this bill, substantial program changes to the CJIS system would be necessary, and a manual unit would need to be created and staff hired to process requests and ensure required records are being limited to criminal justice agencies and not otherwise shared.
- Currently, CJIS does not have the capability to perform a partial expungement in unit cases. Attempts to expunge a charge from the unit will cause a deletion of the entire record and all attached charges.

- The Computerized Criminal History (CCH) system, which is the interface for CJIS, must be modernized before partial expungement can be implemented. Once the modernization has occurred, ITCD can begin to develop and deploy the technological solutions necessary for the CJIS system to accommodate a partial expungement.
- The CCH modernization project is currently in the procurement phase. Once awarded, the project is estimated to take at least 18 months. In addition, ITCD estimates it will take over 3 years to complete the technological upgrades to the CCH to allow CJIS the ability to implement partial expungement functionality. The additional technology and staffing required by ITCD to complete the CCH modifications is estimated at over \$400,000.
- **CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully asks this Committee to consider this information as it deliberates on Senate Bill 11.