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TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 454 – Criminal Procedure - Expungement - Completion of
Sentence (**Support**)

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to give **Senate Bill 454 – Criminal Procedure - Expungement - Completion of Sentence**, sponsored by Senator Jill Carter, a favorable report. Senate Bill 454 corrects a current inequity in the law that bars many from applying for expungement and will allow individuals who have completed their sentences, to apply for expungement.

Under current law, an individual must have “satisfie[d] the sentence or sentences imposed for all convictions for which expungement is requested”. *In Re Expungement Petition of Abhishek I*, 255 Md. App. 464 (2022), the Appellate Court interpreted the “satisfies” requirement for expungement as having not violated any aspect of probation. Removing eligibility for expungement based on any violation of probation is a particularly harsh standard. In addition to applying to even the most trivial and technical of violations, this interpretation unfairly punishes those who violate probation and subsequently complete the remainder of an entire sentence. For example, Person 1 is sentenced to a flat five years for an expungable offense, and serves the five years. Person 2 is sentenced to five years with all suspended but time served, violates probation, and then serves the entirety of the original five years. Under current law, Person 2 would not be eligible for expungement despite ultimately having served the same five-year sentence for the same offense as Person 1.

Senate Bill 454 removes the word “satisfies” from the relevant statute and defines eligibility for expungement simply based on whether the individual has completed serving the sentence including any probationary term. Under the current interpretation, individuals who complete the same time sentences for the same crimes are unfairly denied expungement. Furthermore, individuals who have

committed even the most minor and or technical of parole violations such as failing to pay supervision fees would be denied their right to expungement.

Without an opportunity to expunge a charge when the charge become eligible for expungement, additional barriers are created for individuals attempted to successfully reenter society and their communities, such as: obtaining employment, housing, and other social services that have been shown to reduce recidivism rates. Studies show that obtaining employment after an individual is released from a correctional facility is a key factor in reducing recidivism.

For the foregoing reasons, the Office of the Attorney General urges a favorable vote on **Senate Bill 454**.