

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



CHRISTIAN E. BARRERA
Chief Operating Officer

CAROLYN A. QUATTROCKI
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

ANTHONY G. BROWN
Attorney General

LEONARD HOWIE
Deputy Attorney General

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6592

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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 11 – Criminal Procedure – Partial Expungement (**Support**)

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to give **Senate Bill 11 – Criminal Procedure – Partial Expungement** sponsored by Senator Jill Carter a favorable report. Senate Bill 11 authorizes the partial expungement of eligible charges within a unit if one or more of the charges is ineligible and establishes procedural requirements for partial expungements.

Under current law, when a defendant has multiple counts or cases from the same incident, the defendant is only eligible for expungement if the entire “unit of prosecution” is eligible for expungement. For example, an individual is charged with drunk driving and illegal possession of a firearm. The individual goes to court and pleads to the firearm charge, but the State noll prosses the drunk driving charge. The individual cannot expunge the otherwise-expungement-eligible noll prossed drunk driving charge because it is from the same “unit of prosecution” as the non-expungement-eligible firearm charge.

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 11**.