



**Testimony in Favor of Senate Bill 118 - Criminal Procedure - Expungement and Shielding
- Probation Before Judgment for Driving While Impaired or Under the Influence**

TO: Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee

FROM: Thomas Higdon, on behalf of Recovery Advocacy Project - Maryland

My name is Thomas Higdon, I live in Reisterstown in District 42, I am a person in recovery, and a member of the state organizing team for the Recovery Advocacy Project. I submit this testimony on behalf of The Recovery Advocacy Project in favor of Senate Bill 118.

The Recovery Advocacy Project (RAP) is a network of people in recovery and impacted family members advocating for policies that support recovery from substance use disorder (aka addiction). Many of our members, including some who've been in recovery for years, have had job offers rescinded, rental applications rejected, or professional licensure denied due to a DUI/DWI on their record. However, given the serious nature of DUI/DWI offenses, we understand that some people may be hesitant to allow these charges to be expunged. Afterall, what if the person relapses and reoffends?

With this in mind, we searched the Maryland Judiciary database, and we pulled every available record under § 21–902 of the Transportation Article (DUI/DWI) since 1990. Here is what we found:

- Most people who get arrested for DUI/DWI do not reoffend. In fact, only 13% of individuals in the dataset were arrested for DUI/DWI more than once.
- Of the small number who did reoffend, 90% of the arrests occurred within seven years of each other (96% at 10 years).

Based on this data, it seems clear that there is only a very small chance that a person receiving an expungement after 10 years will reoffend.

Obviously, there need to be consequences for an offense as serious as DUI/DWI. However, once a decade has passed without reoffending, people deserve a fresh start. For these reasons, The Recovery Advocacy Project – Maryland urges a favorable repost on Senate Bill 118.