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Judicial Proceedings Committee
Executive Nominations Committee
Vice Chair, Rules Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 118: Criminal Procedure – Expungement and Shielding – PBJ for Driving While Impaired or Under the Influence

Good afternoon, Mr. Chairman, Vice Chairman and members of the Judicial Proceedings Committee.

Senate Bill 118 would expand the **eligibility** of convictions that qualify for expungement to include driving under the influence or while impaired. The petition for expungement based on a PBJ under this section may **NOT** be filed earlier than **10 years** after the person is discharged from probation.

Also, a person may petition the court to shield their court and police records relating to a shieldable offense NOT sooner than 5 years after they were discharged from a PBJ. However, if a person is convicted of a new crime during this time, then they are NOT eligible for their conviction to be shielded. And they are NOT eligible for shielding their conviction, if they have a pending criminal proceeding. Additionally, the State's Attorney can file an objection and petition the court, therefore, the expungement petition is not automatic.

As you know criminal records can prevent individuals from employment, housing, and educational opportunities. In fact more than 85% of employers perform background checks on an applicant when they apply for job. So, if you have a past criminal conviction of any kind... it is more difficult for you to obtain employment. Not to mention, anything that occurs after an arrest is documented on an individual's criminal record and it will remain publicly visible via Maryland Case Search until the charges and dispositions are expunged.

In closing, many of us are not the same person that we were 10 years ago, and we should not be limited to employment, housing, and educational opportunities... if we are REHABILITATED. Lastly, this bill does NOT allow repeat drunk drivers to have their records expunged and again it can only be expunged after 10 years.

Therefore, I urge a FAVORABLE report for SB 118.