

**2024-02-09 SB 454 (Support).pdf**

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Position: FAV

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February 9, 2024

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**)

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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**.

**SB0454\_HB0073\_FAV\_CarlosBattle.docx.pdf**

Uploaded by: Carlos Battle

Position: FAV

**TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73**

**Criminal Procedure - Expungement - Completion of Sentence**

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Reverend Carlos Battle, New Shiloh Baptist Church & WE OUR US

Greetings Committee Members,

I am Carlos Battle, a resident of District 40 in West Baltimore and a reverend at New Shiloh Baptist Church. I support SENATE BILL 454/ HOUSE BILL 73 to allow for expunging charges that may have involved a probation violation.

About 24 years ago, I received a possession with intent to distribute charge and took a plea deal because I was addicted to drugs and did not want to spend time in jail. I was sentenced to three years probation and 10 years of a suspended sentence. I was violated while on probation for missing a meeting and served the suspended sentence, making my charge permanently ineligible for expungement.

While incarcerated, I became the pastor of Sikesville Correctional Institution and attended Anne Arundel Community College. I also took classes on digital literacy to keep my skills up and worked in the library. Upon release, I came home and struggled to find employment. After years of searching, I found a job at Walmart and worked my way up to manager while earning a safe serve certification, allowing me to become a chef. I then moved on to Sinai Hospital as a chef for 10 years and currently work for Johns Hopkins University.

Today, I am in ministry at New Shiloh Baptist, attended by my friend and representative, Kweisi Mfume. I lead the prison and substance abuse ministry and am on the evangelism team. For six years, I have been a member of the WE OUR US MOVEMENT, distributing resources to the community, aiding the drug addicted, employing the youth with jobs, and giving hope in the streets of Baltimore. I also just opened housing in District 41 for formerly incarcerated citizens

God has done wonders in my life, and I wish to help my brothers experiencing similar struggles. This bill will help me, and many of my congregants expunge their records after finishing their debt to society. I urge a favorable report.

**SB0454\_Expungement\_Completion\_of\_Sentence\_MLC\_FAV.**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR SB0454 Expungement - Completion of Sentence

**Bill Sponsor:** Senator Carter

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0454 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

SB0454 would generally shorten waiting periods to file for expungement. After completion of a sentence, a returning citizen would no longer have to finish probation and parole requirements before applying for expungement.

For the convicted individual, expungement offers better chances for housing, education, and employment. This, in turn, reduces the impact on families and children who stand to benefit from a more successful reentry of the former offender. So, the shorter the waiting period for expungement, the better!

For the state, SB0454 reduces the prolonged impact of discrimination in our criminal justice system that results in multiple and harsher sentences that appear to be race related. In addition, a successful reentry aids in keeping an individual from becoming a repeat offender. Thus, a more successful reentry could mean avoided costs associated with re-incarceration and the support families would need who were financially dependent on this individual.

The Maryland Legislative Coalition continues to advocate for this and similar bills that increase chances for a successful reentry for former offenders and bills that chip away at the injustice in our criminal system.

We support this bill and recommend a **FAVORABLE** report in committee.

**HB0073\_SB0454 CBELL.docx.pdf**

Uploaded by: Christina Nemphos

Position: FAV



## **TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73**

### **Criminal Procedure - Expungement - Completion of Sentence**

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee

FROM: **Christina Bell Nemphos, 1301 W 42nd St, Baltimore, Md 21211**

**Christina Bell Nemphos** supports Senate Bill 454/ House Bill 73 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

In 2022, the [Court of Special Appeals ruled](#) that *any* probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Due to this ruling, *every* Marylander with decades-old misdemeanors have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing. Violations may be something as minor as missing a meeting or possession of cannabis, which is now legal recreationally, such as in the [Abhishek Case](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waitings in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5 to 10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations.

I see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society. For these reasons, I hope you support Senate Bill 454.

Thank you for your time, service and consideration.

Christina Bell Nemphos  
1301 W. 42nd Street  
Baltimore, Md 21211

# **Abhishek Court Case.pdf**

Uploaded by: Christopher Dews

Position: FAV

*In re Expungement Petition of Abhishek I.*, No. 904, September Term, 2021. Opinion by Graeff, J.

**CRIMINAL PROCEDURE – EXPUNGEMENT – SATISFACTION OF SENTENCE**

Md. Code Ann., Crim. Proc. Art. § 10-110(c)(1) (2018 Repl. Vol.), provides:

[A] petition for expungement under this section may not be filed earlier than 10 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

Where appellant violated the terms of his probation, and the court closed his probation unsatisfactorily, he did not “satisfy” his sentence of probation. The circuit court properly denied his petition for expungement.

Circuit Court for Montgomery County  
Case No. 109907C

REPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 904

September Term, 2021

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IN RE EXPUNGEMENT PETITION OF  
ABHISHEK I.

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Graeff,  
Shaw,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Graeff, J.

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Filed: August 31, 2022

\* Tang, J., and Albright, J., did not participate in the Court's decision to designate this opinion for publication pursuant to Md. Rule 8-605.1.

Pursuant to the Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Gregory Hilton, Clerk

In this appeal, Abhishek I., appellant, challenges the ruling of the Circuit Court for Montgomery County denying his petition for expungement of his 2008 theft conviction. He presents a single question for this Court’s review, which we have rephrased slightly, as follows:

Did the circuit court err in denying appellant’s petition for expungement?

For the reasons set forth below, we shall affirm the judgment of the circuit court.

### **FACTUAL AND PROCEDURAL BACKGROUND**

In August 2008, appellant pleaded guilty to theft of property with a value under \$500. The court sentenced him to one year of incarceration, suspended, with one year of supervised probation.

Several months after he was sentenced, appellant was charged with violating the conditions of his probation to obey all laws and not illegally possess any controlled dangerous substance.<sup>1</sup> In March 2010, appellant pleaded guilty to that violation. The court sentenced appellant to four days’ incarceration, and it closed probation “unsatisfactorily.”

On December 3, 2020, appellant filed a petition for expungement of the 2008 theft conviction. The State filed a response, arguing that, because appellant’s probation had been closed unsatisfactorily, the conviction was ineligible for expungement.

Following a hearing on August 6, 2021, the court denied appellant’s petition. It stated that, for appellant to be entitled to expungement, he had to “satisfy” his sentence, “including probation,” which meant that he needed to complete his probation without

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<sup>1</sup> The record reflects that appellant was arrested, on two different occasions, for possession of cannabis.

violating it, which appellant did not do. Accordingly, the circuit court ruled that appellant was not entitled to expungement of his conviction.

This timely appeal followed.

## **DISCUSSION**

Appellant filed a petition for expungement pursuant to Md. Code Ann., Crim. Proc. Art. (“CP”) § 10-110(a)(1)(x) (2018 Repl. Vol. & 2021 Supp.), which addresses eligibility for expungement of a theft conviction. CP § 10-110(c)(1) provides, as follows:

[A] petition for expungement under this section may not be filed earlier than 10 years after the person *satisfies* the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(Emphasis added.)

Appellant contends that the circuit court erred in denying his petition for expungement on the ground that he had not satisfied his sentence. The State contends that the court properly denied appellant’s petition for expungement. Noting that appellant violated his probation, which resulted in his case being closed “unsatisfactorily,” the State asserts that appellant did not “satisf[y]” his sentence. It argues that, because he concluded his probation “unsatisfactorily,” the 10-year clock did not, and could not, begin, and “he is not entitled to the statutory remedy of expungement.”

### **I.**

#### **Standard of Review**

Whether a person is entitled to expungement is a question of law, which we review *de novo*. See *In re Expungement of Vincent S.*, 255 Md. App. 163, 170, Nos. 607 & 608,

Sept. Term, 2021, op. at 5 (filed July 5, 2022); *In re Expungement of Dione W.*, 243 Md. App. 1, 3 (2019). A court has no discretion to deny expungement if a person is statutorily entitled to it. *Vincent S.*, op. at 5; *Dione W.*, 243 Md. App. at 3.

## II.

### History of Expungement in Maryland

Before addressing appellant’s contention, we briefly address, as relevant to this appeal, the statutory scheme for expungement, i.e., the removal of a court record or a police record “from public inspection.” CP § 10-101(e) (defining “expungement”). In 1975, the General Assembly enacted House Bill 482, which was codified at Md. Ann. Code, Art. 27, §§ 735–741 (1976 Repl. Vol.). *Vincent S.*, op. at 12. Section 737(a)(1)–(5) provided that a person charged with a crime was eligible for expungement in cases that did not result in a judgment of conviction, i.e., acquittal, dismissal, entry of a *nolle prosequi*, placement on the stet docket, or probation before judgment. The Court of Appeals explained that the expungement procedure was designed “to help protect individuals seeking employment or admission to an educational institution, by entitling them to expungement of unproven charges, so that those individuals could avoid being unfairly judged during their application processes.” *Stoddard v. State*, 395 Md. 653, 664 (2006). A petition for expungement was permitted no earlier than three years from the judgment, with an exception if the person executed a waiver of any tort claim arising from the charge. *See* Art. 27, § 737(c).

In 1982, the General Assembly expanded the scope of expungement, permitting expungement in the situation where a person was convicted of only one criminal act, which was not a violent crime, and the person was “subsequently granted a full and unconditional

pardon by the Governor.” Md. Ann. Code, Art. 27, § 737(a)(7) (1976 Repl. Vol. & Supp. 1982). The time limitation for expungement under this provision was different; it could not be filed “earlier than 5 years nor later than 10 years after the pardon was signed by the Governor.” Art. 27, § 737(c).

In 2008, the General Assembly further expanded the scope of convictions that could be expunged, including “minor nuisance crimes such as panhandling, drinking an alcoholic beverage in a public place, and loitering.” *Vincent S.*, op. at 16. *Accord* Md. Code Ann., Crim. Proc. Art. (“CP”) § 10-105(a)(9) (2008 Repl. Vol.). Although some prosecutors and law enforcement agencies objected to the change,<sup>2</sup> the proponents of the change expressed the view that extending eligibility for expungement to convictions for nuisance-related crimes would help impoverished people who were attempting to rehabilitate themselves.<sup>3</sup>

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<sup>2</sup> *See, e.g.*, Letter in Opposition to 2008 House Bill 685 from State’s Attorney for Baltimore City Patricia Jessamy to the House Judiciary Committee, dated Feb. 26, 2008 (predicting that HB 685 would result in “double the present amount of petitions”; pointing out that “prior convictions are a factor under Maryland sentencing guidelines” and that liberalized expungement would result in reduced sentences for some subsequent offenders; and contending that the newly eligible offenses are “detrimental to the public safety, health and morality of the citizens of Baltimore City”); Letter in Opposition to 2008 House Bill 685 from the Maryland State Police Government Affairs Section to the House Judiciary Committee, dated Feb. 26, 2008 (contending that liberalizing eligibility for expungement to “nuisance crimes” would allow criminals “to avoid progressive penalties as their past disruptive behaviors may have been purged from the record” and would harm offenders by providing “a distorted view” of their “need for professional, rehabilitative or behavioral intervention and treatment”).

<sup>3</sup> *See, e.g.*, Letter in Support of 2008 House Bill 685 from Jason Perkins-Cohen, Executive Director, Job Opportunities Task Force, to Honorable Joseph Vallario, Chair of the House Judiciary Committee (Feb. 26, 2008) (noting that HB 685 would help “low-income Marylanders” who have been convicted of “minor nuisance crimes” that are “disproportionately associated with poverty”); Letter in Support of 2008 House Bill 685

(continued)



A petition to expunge these convictions could “not be filed within 3 years after the conviction or *satisfactory completion* of the sentence, including probation, that was imposed for the conviction, whichever is later.” CP § 10-105(c)(6) (emphasis added).

In 2016, the General Assembly enacted the Justice Reinvestment Act (“JRA”), 2016 Md. Laws ch. 515, which, among other things, added § 10-110 to the Criminal Procedure Article. CP § 10-110 greatly expanded the list of criminal convictions that potentially were eligible for expungement. *See* CP § 10-110(a)(1)–(3). Among the many new criminal convictions that were now eligible for expungement was theft. *See* CP § 10-110(a)(1)(x), (2)(i). For these convictions, there was a longer waiting period; a petition for expungement could not be filed earlier than ten years after the “person *satisfies* the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.” CP § 10-110(c)(1) (emphasis added).<sup>4</sup>

## II.

### Analysis

The question presented here is whether appellant’s petition for expungement met the requirements of CP § 10-110(c)(1), which, as indicated, provides:

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from Student Members of the Reentry of Ex-Offenders Clinic at the University of Maryland School of Law to Delegate Vallario (Feb. 26, 2008) (noting that HB 685 would “help individuals convicted of nuisance crimes move past their records and allow them better access to gainful employment”).

<sup>4</sup> The General Assembly has continued to expand the criminal convictions for which expungement is available in the past several years. For a thorough review of additional legislation pertaining to expungement after 2016, see *In re Expungement of Vincent S.*, 255 Md. App. 163, 179-80, Nos. 607 & 608, Sept. Term, 2021, op. at 17–18 n.9 (filed July 5, 2022).

[A] petition for expungement under this section may not be filed earlier than 10 years after the person *satisfies* the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.

(Emphasis added.)

The parties disagree on the meaning of the requirement that appellant “satisfy” the sentences imposed, including probation. Appellant contends that he satisfied “the sentence imposed for violating his probation, which was four days.” He asserts that “one may satisfy one’s probation without completing it as long as the sentence imposed for violating the probation is satisfied.” As indicated, the State contends that, because appellant violated his probation, which resulted in his case being closed “unsatisfactorily,” appellant did not “satisfy” his sentence of probation.

“When interpreting the language of a Maryland statute, the ‘cardinal rule’ of statutory construction ‘is to determine what the [General Assembly] intended, and, as we have so often said, to do that, we turn first to the words used by the [General Assembly], giving them their ordinary meaning.’” *Howling v. State*, 478 Md. 472, 498 (2022) (alterations in original) (quoting *Dimensions Health Corp. v. Md. Ins. Admin.*, 374 Md. 1, 17 (2003)). “We do so on the tacit theory that the General Assembly is presumed to have meant what it said and said what it meant.” *Peterson v. State*, 467 Md. 713, 727 (2020) (quoting *Bellard v. State*, 452 Md. 467, 481 (2017)). “We, however, do not read statutory language in a vacuum, nor do we confine strictly our interpretation of a statute’s plain language to the isolated section alone.” *Gerety v. State*, 249 Md. App. 484, 498 (2021) (quoting *State v. Bey*, 452 Md. 255, 266 (2017)). “Instead, ‘the plain language must be

viewed within the context of the statutory scheme to which it belongs.” *Westley v. State*, 251 Md. App. 365, 387 (2021) (quoting *Berry v. Queen*, 469 Md. 674, 687 (2020)) (cleaned up). “We presume that the Legislature intends its enactments to operate together as a consistent and harmonious body of law, and, thus, we seek to reconcile and harmonize the parts of a statute, to the extent possible consistent with the statute’s object and scope.” *Gerety*, 249 Md. App. at 498 (quoting *Bey*, 452 Md. at 266). “If the language of the statute is unambiguous and clearly consistent with the statute’s apparent purpose, our inquiry as to the legislative intent ends ordinarily and we apply the statute as written without resort to other rules of construction.” *White v. State*, 250 Md. App. 604, 638 (quoting *Bey*, 452 Md. at 266), *cert. denied*, 475 Md. 717 (2021).

If the language of the statute is ambiguous, i.e., if it is reasonably susceptible of more than one meaning, we resolve that ambiguity “by searching for legislative intent in other indicia, including the history of the legislation or other relevant sources intrinsic and extrinsic to the legislative process.” *Id.* at 639 (quoting *Bey*, 452 Md. at 266). We may, for example, consider “the structure of the statute, how it relates to other laws, its general purpose and relative rationality and legal effect of various competing constructions.” *Bey*, 452 Md. at 266 (quoting *State v. Johnson*, 415 Md. 413, 422 (2010)). In resolving any ambiguity, we “consider the consequences resulting from one meaning rather than another, and adopt that construction which avoids an illogical or unreasonable result, or one which is inconsistent with common sense.” *Blackstone v. Sharma*, 461 Md. 87, 114 (2018) (quoting *Spangler v. McQuitty*, 449 Md. 33, 50 (2016)).

Based on these well-settled maxims of statutory construction, we begin with the language of the statute. In determining the plain meaning of statutory language, reference to dictionaries is appropriate. *See Davis v. State*, 474 Md. 439, 463 (2021) (“When searching for the meaning of a statutory word, we often turn first to recognized dictionaries, which sometimes, but not always, are helpful.”); *Donati v. State*, 215 Md. App. 686, 724 (“Neither of these terms are defined in the statute, so we look to the dictionary definitions of these terms.”), *cert. denied*, 438 Md. 143 (2014).

In looking at dictionary definitions of the term “satisfy,” we note that it is defined as, among other things, “to fulfil or comply with (a request); [t]o answer the requirements of (a state of things, a hypothesis, etc.); to accord with (conditions).” *The Oxford English Dictionary* 503 (2d ed. 1989). “Satisfy” also is defined as “to conform to (accepted criteria or requirements): fulfill, meet.” *Webster’s Third Int’l Dictionary* 2017 (1976).

Here, appellant argues that he satisfied “the sentence imposed for his conviction of theft under \$500 and the sentence imposed for violating his probation, which was four days.” We disagree. Although he may have satisfied his four-day sentence for the violation of probation, he did not “satisfy” his original sentence of one year of supervised probation. He did not fulfill or comply with the conditions of probation. Rather, within months, appellant violated the terms of his probation, which resulted in the court imposing the four-day sentence and closing his probation unsatisfactorily. Under these circumstances, appellant did not fulfill, comply with, or meet the terms of his probation, and pursuant to the plain meaning of CP § 10-110(c)(1), he did not “satisfy” his sentence of probation.

Despite this plain language of the statute, appellant suggests that the statute is ambiguous. Appellant notes that the General Assembly has used different language in other expungement statutes relating to when a petition for expungement may be filed. For example, CP § 10-105(c) provides, in part:

(6) A petition for expungement based on the conviction of a crime under subsection (a)(9) of this section may not be filed within 3 years after the conviction or *satisfactory completion* of the sentence, including probation, that was imposed for the conviction, whichever is later.

\* \* \*

(8) A petition for expungement based on the conviction of a crime under subsection (a)(12) of this section may not be filed within 4 years after the conviction or *satisfactory completion* of the sentence, including probation, that was imposed for the conviction, whichever is later.

CP § 10-105(c)(6), (8) (emphasis added).

There is no question that appellant would not meet the requirement of “satisfactory completion” of his sentence of probation. *See, e.g., State v. Brown*, 590 S.W.3d 121, 122–24 (Ark. 2019) (Brown was ineligible for expungement because he violated his probation, and therefore, he did not meet the requirement that expungement was permitted upon the “successful completion” of probation.); *Alvey v. State*, 10 N.E.3d 1031, 1033–34 (Ind. Ct. App. 2014) (Where Alvey violated his probation, he was not entitled to expungement because he had not “successfully completed” his sentence, as required by expungement statute); *State v. Ozuna*, 898 N.W.2d 20, 26–27 (Wis. 2014) (A person is entitled to expungement only if he has “successfully completed the sentence,” which requires that the person has “satisfied the conditions of probation,” and Ozuna did not do so because he violated the conditions of his probation.).

Although the language “satisfactory completion” in CP § 10-105(c) is more definitive, we cannot conclude that the language of CP § 10-110(c)(1), providing eligibility for expungement if the person “satisfies” the sentence, is ambiguous. Requiring that a person “satisfy” the sentence is the equivalent of requiring “satisfactory completion” of the sentence.

To be sure, there is a canon of statutory construction that, ““when a legislature uses different words, especially in the same section or in a part of the statute that deals with the same subject, it usually intends different things.”” *Lawrence v. State*, 475 Md. 384, 406 (2021) (quoting *Toler v. Motor Vehicle Admin.*, 373 Md. 214, 223 (2003)). Here, however, the different language essentially means the same thing. *See Kirtsaeng v. John Wiley & Sons, Inc.*, 568 U.S. 519, 540 (2013) (There is no “canon of interpretation that forbids interpreting different words used in different parts of the same statute to mean roughly the same thing.”). *Accord Bethlehem Steel Co. v. Jackson*, 199 Md. 642, 646 (1952) (Statutory terms “convert” and “commute” were synonymous.). We are not persuaded that the language in CP § 10-110(c)(1) is ambiguous.

Nevertheless, we may look to legislative history to confirm our conclusion regarding the intent of a statute. *See Park Plus, Inc. v. Palisades of Towson, LLC*, 478 Md. 35, 55 (2022) (“We also refer to the legislative history to confirm our understanding of an unambiguous provision.”); *Daughtry v. Nadel*, 248 Md. App. 594, 613–14 (2020) (“[W]hether to consider legislative history to confirm a court’s interpretation of a truly unambiguous statute is left to the discretion of the court.”).

The parties do not provide any legislative history that explains why the General Assembly used the term “satisfies,” *see* CP § 10-110(c)(1), as opposed to the term “satisfactory completion,” *see* CP § 10-105(c)(6), (8), nor did we find anything.<sup>5</sup> Nothing suggests, however, that the General Assembly desired a different, or more lenient, standard for expungement of the more serious crimes involved in CP § 10-110, as opposed to the more minor, nuisance crimes involved in CP § 10-105(c), or that a person violating a term of probation, which causes the probation to close unsatisfactorily, would be deemed to “satisfy” that sentence of probation.<sup>6</sup>

Based on the plain language of CP § 10-110(c)(1), the language of other statutory provisions, and the legislative history, we conclude that, because appellant violated the terms of his probation for his theft conviction, and his probation was closed “unsatisfactorily,” he did not “satisfy” the sentence imposed for the conviction for which

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<sup>5</sup> The First Reader of 2016 Senate Bill 1005, which as amended became the JRA, did not include any provisions related to expungement. A March 18, 2016 amendment by the Senate Judicial Proceedings Committee, resulting in, among other things, the addition of CP § 10-110, passed the Senate late in the legislative session. *See* [https://mgaleg.maryland.gov/2016rs/amds/bil\\_0005/SB1005\\_50847601.pdf](https://mgaleg.maryland.gov/2016rs/amds/bil_0005/SB1005_50847601.pdf), available at <https://perma.cc/X7BK-S7LX> (last visited Aug. 12, 2022). That amendment subsequently was adopted in Conference Committee and enacted by the General Assembly.

<sup>6</sup> In 2022, the General Assembly reduced the time that a person must wait to file for expungement of a conviction of possession with intent to distribute cannabis to “3 years after the person satisfies the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision.” 2022 Md. Laws ch. 26, sec. 5, CP § 10-110(c)(4). This amendment was “contingent on the passage of Chapter 45 (H.B. 1) of the Acts of the General Assembly of 2022, a constitutional amendment, and its ratification by the voters of the State.” *Vincent S.*, *op. at* 18 n.9 (quoting 2022 Md. Laws ch. 26, sec. 14). A review of the legislative history of this amendment similarly does not explain the choice of the term “satisfies the sentence” as opposed to the term “after satisfactory completion of the sentence.”

expungement was requested, as required for eligibility under CP § 10-110(c)(1). The circuit court properly denied appellant's petition for expungement.

**JUDGMENT OF THE CIRCUIT COURT  
FOR MONTGOMERY COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**



# **Fact Sheet\_ Violations of Probation - Expungements**

Uploaded by: Christopher Dews

Position: FAV

## **SUPPORT SENATE BILL 454 / HOUSE BILL 73**

### ***Allow Expungements After The Individual Has Fully Served Their Time***

#### **THE CHALLENGE**

- According to the Bureau of Justice Statistics (BJS), [it is estimated that 1.5 million residents, nearly 25% of Maryland's population](#), have a visible criminal record. (pg. 26)
- A criminal record can present obstacles to employment, housing, public assistance, education, occupational licensing, family reunification, good credit, and more.
- A limited number of charges are eligible for criminal record expungement (deletion) after a returning citizen has completed their entire sentence, including parole, probation, and mandatory supervision.
- A probation or parole violation occurs when a person does not comply with the conditions of their supervision. This may be for allegedly committing another offense or simply missing an appointment.
- [24% of Maryland's prison admissions are for supervision violations](#), according to research from the Council of State Governments Justice Center (CSGJC).
- Probation officers make the call about whether or not to report a minor violation many probation violations can sometimes depend entirely on the mood of one's probation officer at that moment.
- In 2022, the [Court of Special Appeals ruled](#) that **any** probation violation means a conviction is **indefinitely ineligible** for expungement under a legal interpretation that a violation means that the individual has not "satisfactorily completed the sentence" (regardless of the nature of the violation).
- In the "[Abhishek Case](#)," from which the ruling emerged, the violation was for possession of cannabis - which is now legal in Maryland. Due to this violation, Mr. Abhishek is permanently ineligible for expungement, though he waited the required 10-year waiting period and served the length of his incarceration.
- After a person has served an entire sentence, paid the consequence for the violation (additional time or restitution), and waited through a 5-15-year waiting period, they should be eligible to have the charge expunged *if* it is on the expungement list.

#### **CURRENT LAW**

- [Criminal Procedure §10-110](#), which determines expungement access for eligible convictions, states that an expungement is *only* allowed "after the person **satisfies** the sentence or sentences imposed for all convictions for which expungement is requested, including parole, probation, or mandatory supervision."
- [Criminal Procedure §10-105](#), which determines expungement access for non-convictions and nuisance crimes, states that an expungement is *only* allowed "after the conviction or **satisfactory** completion of the sentence, including probation, that was imposed for the conviction, whichever is later."
- The Abhishek ruling determined that **any** violation, whether technical or a subsequent offense, means an individual is **permanently** ineligible for expungement.
- [Correctional Services § 6-101\(m\)](#) defines a 'technical violation' as "a violation of a condition or probation, parole or mandatory supervision that does *not* involve: 1) an arrest or a summons issued by a commissioner on a statement of charges filed by a law enforcement officer; 2) a violation of a criminal prohibition other than a minor traffic offense; 3) a violation of a no-contact or stay-away order; or 4) absconding.

#### **SOLUTION: ALLOW EXPUNGEMENT AT THE COMPLETION OF THE SENTENCE**

- Senate Bill 454/ House Bill 73 allows expungement to be accessible at "the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision"
- This means that once a person has served the entire sentence and finished the additional 5-10-year waiting period, they will be eligible for expungement if the charge is eligible.
- The State's Attorney's Office and the victim **retain the right to object** to the expungement, leaving the courts to decide whether the expungement is in the interest of justice.

**For more information, contact:**

Christopher Dews / Assistant Vice President / [cdews@cgagroup.com](mailto:cdews@cgagroup.com) / 301-412-5399

**SB0454\_FAV\_CFUF.pdf**

Uploaded by: Christopher Dews

Position: FAV



## TESTIMONY IN SUPPORT OF SENATE BILL 454

### **Criminal Procedure - Expungement - Completion of Sentence**

TO: Hon. William C. Smith, Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Christopher Dews, Policy Consultant

The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports Senate Bill 454 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) Criminal Procedure under §10–105 and §10-110. The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days’ incarceration, and had his probation closed “unsatisfactorily.”

In December 2020, now *12 years* after the initial conviction, he filed to expunge the misdemeanor - having waited for the required 10 years under [Criminal Procedure §10–110 c\(1\)](#) but was informed that he did *not* qualify for an expungement since he did not satisfy the sentence and probation imposed. After appealing his case, the court ruled that *any* probation violation makes the conviction, regardless of the time passed, the nature of the conviction, or the person’s success at rehabilitation, *permanently ineligible* for expungement. Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waitings in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454 seeks to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a



person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State's Attorney's Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10-110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society. For these reasons, we urge a favorable report.

**SB0454\_HB0073\_FAV\_CFUF\_SignOn (Public).pdf**

Uploaded by: Christopher Dews

Position: FAV



## **TESTIMONY IN SUPPORT OF SENATE BILL 454 / HOUSE BILL 73**

### **Criminal Procedure - Expungement - Completion of Sentence**

TO: Members of the Senate Judicial Proceedings and House Judiciary Committee

FROM: Christopher Dews, Policy Consultant

The Center for Urban Families (CFUF) advocates for legislative initiatives to strengthen urban communities by helping fathers and families achieve stability and economic success. CFUF supports Senate Bill 454/ House Bill 73 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) Criminal Procedure under §10–105 and §10-110. The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days’ incarceration, and had his probation closed “unsatisfactorily.”

In December 2020, now *12 years* after the initial conviction, he filed to expunge the misdemeanor - having waited for the required 10 years under [Criminal Procedure §10–110 c\(1\)](#) but was informed that he did *not* qualify for an expungement since he did not satisfy the sentence and probation imposed. After appealing his case, the court ruled that *any* probation violation makes the conviction, regardless of the time passed, the nature of the conviction, or the person’s success at rehabilitation, *permanently ineligible* for expungement. Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waitings in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at “**the time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This



means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State's Attorney's Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10-110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to reacclimate into society properly. For these reasons, we urge a favorable report.

**The Undersigned Organizations Support House Bill 73/ Senate Bill 454**

1. The Center for Urban Families
2. Maryland Legal Aid
3. The University of Baltimore School of Law
4. Maryland Equitable Justice Collaborative
5. Office of the Public Defender
6. Maryland Alliance for Justice Reform
7. Maryland Volunteer Lawyer's Service
8. Out for Justice
9. Maryland Justice Project
10. Life After Release
11. Job Opportunities Task Force
12. Baltimore Action Legal Team
13. Maryland Community Action Partnership
14. The People's Commission to Decriminalize Maryland
15. Public Justice Center
16. Helping Ourselves to Transform
17. PIVOT MD
18. Marian House
19. Homeless Persons Representation Project
20. Helping Oppressed People Excel (H.O.P.E.)
21. We R Us
22. Cornerstone Full Gospel Church
23. Glen Rosenberg
24. Becca Gardner
25. Public Justice Center
26. From Prison Cells to PhD (P2P)
27. Return Home Baltimore
28. Maryland Nonprofits



**MVLS Testimony SB0454.pdf**

Uploaded by: George Townsend

Position: FAV

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE IN SUPPORT  
OF SB 454: CRIMINAL PROCEDURE - EXPUNGEMENT - COMPLETION OF  
SENTENCE  
FEBRUARY 9, 2024

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D'Sean Williams-Brown  
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Chair Smith and distinguished members of the Committee, thank you for the opportunity to testify in support of Senate Bill 454.

My name is George Townsend and I am a workforce development attorney at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 980 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In the most recent fiscal year, MVLS volunteers and staff lawyers provided legal services directly impacting 7,927 people across the State. I am speaking today to urge the Judiciary Proceedings Committee to issue a favorable report on Senate Bill 454.

SB0454 proposes to close a critical gap in the state's criminal record expungement eligibility exposed by a 2022 Court of Appeals case by clarifying eligibility for expungement of cases after the completion of probation. It corrects the language in the Criminal Procedure title of the Maryland Code identified by the Appellate Court of Maryland as disqualifying the expungement eligibility of a case that would otherwise be eligible for expungement when the petitioner did not satisfy probation. Expungement is an indispensable step toward ameliorating the harmful collateral consequences of criminal legal system involvement. It allows a person who has made mistakes years in the past to start fresh so that they can move forward in life. MVLS clients frequently report being denied employment, rental housing, and other opportunities during the waiting period for expungement eligibility. These denials make it harder for individuals already experiencing difficult circumstances to achieve stability.

SB0454 makes a small, technical change to statutory language on the wait time for expungement eligibility, clarifying that it begins upon the "completion," rather than "satisfaction," of the sentence. This distinction would ensure that people whose cases are closed, with their sentences fully completed, and who have waited the number of years required by the expungement statute are no longer prevented from receiving an expungement because their probation was not marked by a probation officer as "satisfied."

This 2022 Appellate Court ruling has greatly impacted individuals who were initially sentenced to probation but were found to have violated the probation and been sentenced to some alternate penalty as a result. Based this decision, such individuals may have completed the subsequent sentence, but do not technically "satisfy" their initial sentence of probation. This creates situations where individuals who are on probation, receive a violation, and complete the additional sentence or period of probation resulting from the violation, are ineligible for the expungement

that they are otherwise qualified for.

Ms. Davis\* is one of many MVLS clients impacted by this interpretation of the law. Ms. Davis, who worked with an MVLS attorney to expunge criminal records from the 1990s, had been unable to expunge a past conviction that is otherwise eligible for expungement due to past violations of probation while she was grappling with substance use. Her probation officer's closing of her case with an "unsatisfactory" designation – nearly 20 years ago, despite her completion of her sentence and probation - makes her currently unable to expunge a record under the law, impacting her ability to apply for and access needed senior housing programs in Maryland.

SB0454 clarifies that individuals like Ms. Davis will be able to petition for expungement of eligible convictions after they have completed their sentence and the appropriate time has passed, regardless of the notation entered when closing case. This change will ensure that Maryland's expungement process will be able to achieve its purpose of ameliorating the harm of a criminal record and allow individuals who were involved in the criminal legal system in the past to move forward without barriers to housing, employment, and education opportunities.

For all the reasons stated above, Maryland Volunteer Lawyers Service supports SB 454 and respectfully encourages a favorable report.

*\*MVLS client's name changed to protect privacy.*

**SB0454\_HB0073\_FAV\_HaroldColeman.docx.pdf**

Uploaded by: Harold Coleman

Position: FAV



## **TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73**

### **Criminal Procedure - Expungement - Completion of Sentence**

TO: Members of the Senate Judicial Proceedings Committee and House Judiciary Committee

FROM: Harold Coleman

Greetings Committee Members,

My name is Harold Coleman, I am a resident of District 10. I support Senate Bill 454/ House Bill 73 to allow expungements after someone like myself has served their time but has a probation violation.

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation).

This impacts me because I have violations from 1988 and 1997, after I served over 10 years. My violations were for failing a urinalysis test when I was sentenced to two-year probation for a car theft. I also was homeless for some time in my younger years and was placed on five-year probation for a 4th-degree burglary because I was arrested for sleeping on private property. I received a violation during this probation because I defended myself in a fight and received a second-degree assault charge.

As you can see, violations vary by individual and cause, and preventing expungements purely on the basis is unwise. My life was never easy, but I’ve been working for MDOT for 15 years at the Bay Bridge and have come to Annapolis on many occasions to testify on criminal record expungement bills so that people with my similar history can move on from their pasts and obtain relief.

I have served my time and do not believe that my violations in the 80s and 90s should bar me from getting my record expunged in 2024. Please move favorably on this bill.



25 YEARS OF SEEDING  
LEGACIES FOR THE FUTURE

**In Support SB 454 CCJR.pdf**

Uploaded by: Heather Warnken

Position: FAV



## TESTIMONY IN SUPPORT OF SENATE BILL 454

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Center for Criminal Justice Reform, University of Baltimore School of Law

**DATE:** February 8, 2024

The University of Baltimore School of Law’s Center for Criminal Justice Reform (“the Center”) is dedicated to supporting community-driven efforts to improve public safety and address the harm and inequities caused by the criminal legal system. The Center supports Senate Bill 454.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waiting time in half for many offenses, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society.

Expanding expungement eligibility will mitigate collateral consequences associated with having a criminal record. The impact of an arrest or conviction record on individuals, families



and communities is staggering, including the extensive list of collateral consequences that can follow a justice-involved individual for years, well after a case or period of incarceration concludes. These impacts span numerous areas central to a person's ability to survive and thrive, impeding access to stable housing, education, healthcare, voting, occupational licensing, rights related to the parent-child relationship and more.

More than [85% of employers perform background checks on all their job applicants](#) and deny employment to many returning citizens based on a criminal record. Thus, the ability to expunge a criminal record is vital for the economic viability of returning citizens *after* they have served their full sentence and completed mandatory supervision.

For these reasons, we urge a favorable report.

**HB0073\_SB0454.pdf**

Uploaded by: Holly Powell

Position: FAV

## TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73

### **Criminal Procedure - Expungement - Completion of Sentence**

TO: Members of the House Judiciary Committee and Senate Judicial Proceedings Committee

FROM: **Holly Powell, LCSW-C**

**Holly Powell** support(s) Senate Bill 454/ House Bill 73 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Due to this ruling, he and *every* Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waitings in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society. For these reasons, we urge a favorable report.

Sincerely,

Holly Powell, LCSW-C

2308 Cambridge Street

Baltimore, Maryland 21224

# **HPP SB 454 Testimony- FAV.pdf**

Uploaded by: Jessica Emerson

Position: FAV

## Testimony of the Human Trafficking Prevention Project

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**BILL NO:** Senate Bill 454  
**TITLE:** Criminal Procedure – Expungement – Completion of Sentence  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** February 9, 2024  
**POSITION:** FAVORABLE

Senate Bill 454 would eliminate probation violations as a permanent roadblock to criminal record expungement. [The Human Trafficking Prevention Project](#) (“HTPP”) supports this bill because it will remove yet another unnecessary barrier preventing all Marylanders, including sex workers and survivors of human trafficking, from expunging their records, enabling them to more readily access the opportunities they need to better their lives.

In 2008, Abhishek I. was placed on one year of supervised probation after pleading guilty to a misdemeanor theft charge. During his period of probation, he was arrested for cannabis possession which was, at that time, illegal in Maryland. As a result of his arrest, he was sentenced to four days’ incarceration and his probation was closed “unsatisfactorily.” In 2020, after having waited the full 10 years as required under [Section 10-110\(c\) of the Maryland Criminal Procedure Code](#), he filed for expungement of his now-12-year-old conviction, which was denied due to what the court termed as his failure to satisfy the terms of his probation. In 2022, [the Court of Special Appeals affirmed the lower court’s decision](#), ruling that *any* post-conviction probation violation renders that conviction *indefinitely* ineligible for expungement because the individual has not “satisfactorily completed the sentence.”

As a result of this decision, known colloquially as [the Abhishek Case](#), any Marylander who has violated the terms of their probation at any point post-conviction is permanently barred from expunging that conviction in the State of Maryland, despite the “age” of the conviction or the circumstances of the violation. Since this ruling, the Maryland General Assembly passed the REDEEM Act, which cuts most criminal record expungement waiting times in half, only to find that millions of Marylanders are *still* barred from seeking expungement of their 5-15 year-old convictions due to the Abhishek ruling.

Senate Bill 454 seeks to resolve this unnecessary barrier by removing the terms “satisfies” and “satisfactorily” from the the expungement statute, meaning that those seeking expungement of eligible convictions will be able to do so at “the time when a sentence has expired, including any period of probation, parole, or mandatory supervision,” and the proscribed waiting period is complete. Given that the State’s Attorney’s Office and any applicable victim in the case [still retains the right to object to the expungement](#), this leaves the courts to make the final decision as to whether or not the expungement is in the interest of justice, as opposed to upholding a blanket ban on all violations.

Given that sex workers and survivors of trafficking are two of the groups [put at highest risk of arrest and incarceration](#) due to their disproportionate experiences with [poverty, substance use, and trauma](#), the HTPP believes it to be essential that any state-based criminal record relief remedy allow for the broadest possible relief, rather than impose additional hurdles that prevent survivors from moving forward with their lives post-arrest. SB 454 represents a rational and balanced approach that will allow *all* Marylanders, including sex workers and survivors of trafficking, who have waited the appropriate amount of time *and* who have not been barred from expungement due to a subsequent conviction, to remain eligible for the legal relief necessary to allow them to properly reacclimate into society. For these reasons, the Human Trafficking Prevention Project supports Senate Bill 454 and respectfully urges a favorable report.

*The Human Trafficking Prevention Project is dedicated to ending the criminalization of sex workers and survivors of human trafficking through access to civil legal services and support for policies that dismantle harmful systems and increase access to basic human rights and legal relief.*

*For more information, please contact:  
Jessica Emerson, LMSW, Esq.,  
Director, Human Trafficking Prevention Project  
jemerson@ubalt.edu*

**testimony454.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
Annapolis, Maryland 21401

**Testimony of Senator Jill P. Carter  
In Favor of SB0454– Criminal Procedure - Expungement - Completion  
of Sentence  
Before the Judicial Proceedings Committee  
On February 9<sup>th</sup> 2024**

**Mr. Chairman, Vice Chair, and Members of the Committee:**

**Senate Bill 454 authorizes the filing of a petition after a specific amount of time following the completion of the sentence, is a crucial step towards fostering rehabilitation and reintegration of individuals who have served their sentences.**

**The current legal framework often imposes lengthy waiting periods before individuals are eligible to file petitions for expungement, hindering their ability to fully participate in society. By allowing individuals to submit expungement petitions after completing their sentences, we promote a more just and rehabilitative approach to criminal justice.**

**One of the primary objectives of SB454 is to recognize the efforts and commitment of individuals who have successfully completed their sentences and demonstrated a genuine commitment to rehabilitation. Waiting periods that extend beyond the completion of a sentence may disproportionately impact individuals seeking a fresh start, hindering their ability to secure employment, housing, and other essential elements of a productive and law-abiding life.**

**Moreover, research consistently shows that providing a path to expungement contributes to reducing recidivism rates. By removing barriers to employment and housing, individuals with criminal records are more likely to reintegrate into society successfully. This not only benefits the individuals involved but also contributes to the overall safety and well-being of our communities.**

**In addition to the personal and societal benefits, SB454 aligns with the evolving understanding of criminal justice as a system that prioritizes rehabilitation and second chances. It strikes a balance between accountability for past actions and the recognition of individuals' potential for positive change.**

**In conclusion, SB454 reflect a compassionate and forward-thinking approach to criminal justice that prioritizes rehabilitation, reduces recidivism, and supports individuals in their efforts to rebuild their lives.**

**Thank you for considering my testimony, and I urge you to support the positive impact SB454 can have on the lives of individuals seeking a second chance.**

**Respectfully,**

**Senator Jill P. Carter**



**SB454\_SUPPORT\_ShoreLegalAccess 2-9-2024.pdf**

Uploaded by: Laura Chafey

Position: FAV



## SB454: CRIMINAL PROCEDURE – EXPUNGEMENT – COMPLETION OF SENTENCE

HEARING BEFORE SENATE JUDICIARY COMMITTEE

2/9/2024

### POSITION: SUPPORT

*Connecting Individuals and Families who need Civil Legal Services with Volunteer Attorneys and Community*

Shore Legal Access, Inc. (formerly Mid-Shore Pro Bono) supports SB454. This bill would significantly reduce barriers for people seeking criminal record expungement to be able to clear the record and move on with their lives to obtain jobs and housing. This measure would clarify the waiting period required for expungement of records, allowing people to have certainty about when their records will be eligible for expungement.

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Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLA helps over 3,000 people in our community access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for criminal record expungement, life planning, family law, landlord/tenant, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.

A violation of probation, no matter how small, currently prevents someone from getting their record expunged even if they have met all other conditions. This bill removes the requirement that probation be completed "satisfactory" to receive expungement. The requirement that probation be completed satisfactory is a major barrier to receiving an expungement and tends to negatively impact low-income and BIPOC Marylanders at a higher rate than others. Violations of probation can range from failing to pay restitution, failing to report to the probation agent, relapsing and failing a drug test, to committing a new crime. Probationers with limited financial means may not have the ability to pay back the restitution at the rate set by the court order or may lack access to transportation to get to the probation meeting with their probation agent. These technical violations of probation should not forever prohibit someone from receiving an expungement where they would otherwise be eligible.

#### EXECUTIVE DIRECTOR

Meredith L. Girard, Esq.

Prior to the legalization of cannabis in Maryland, the use of cannabis contributed to a significant number of violations of probation, whether due to a new marijuana possession charge or testing positive for marijuana during a drug test. Someone who received a violation of probation for the use of cannabis, which is now legal, cannot receive an expungement in that case. We know that the criminalization of cannabis has disproportionately and negatively impacted BIPOC. The failure to remove the "satisfactory" completion of probation as a requirement to receive an expungement continues to negatively impact BIPOC and continues to perpetrate injustice.

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[WWW.SHORELEGAL.ORG](http://WWW.SHORELEGAL.ORG)

One of our recent clients included an 18-year-old seeking to obtain expungement for a cannabis related conviction. The client had completed all the requirements of probation except was unable to pay the court costs and drug testing fee totaling over \$400. This bill would allow clients such as this one to be able to obtain expungement. For these reasons, Shore Legal Access supports SB454 and we urge the Committee's support for this bill. If you have any questions regarding our position on this bill, please contact Laura Chafey, Esq., at 410-690-8128 or [lchafey@shorelegal.org](mailto:lchafey@shorelegal.org).

**Testimony - 2024 - SB 454.docx.pdf**

Uploaded by: Mary Denise Davis

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER  
**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER  
**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS  
**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB 454 Criminal Procedure - Expungement - Completion of Sentence**

**FROM: Maryland Office of the Public Defender**

**POSITION: Favorable**

**DATE: February 8, 2024**

The Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 454.

The Appellate Court of Maryland's decision, *In Re Expungement Petition of Abhishek I.*, 244 Md. App 464 (2022) turned back the progress that had been made by this legislature in opening the door for Maryland citizens impacted by convictions. Since 2007, the legislature has consistently expanded expungement eligibility because the Maryland General Assembly recognizes the importance of second chances and allowing individuals to thrive and grow beyond their mistakes.<sup>1</sup> In 2007, the Maryland General Assembly passed a bill permitting automatic expungement of arrest when no charges were filed. Just last year, the Governor signed into law the Redeem Act that shortens the waiting period for filing expungements.

The *Abhishek I.* decision has created chaos and confusion for the advocates and their clients. The decision held that a violation of probation means an otherwise eligible conviction is ineligible for expungement *indefinitely* under the assumption that any violation could mean that an individual has not "satisfactorily completed the sentence." Thus, even if a person violates their probation once, then subsequently complies with any additional consequences and completes their probation, they would not be able to expunge their conviction. This ruling does not align with Maryland's desire to be a state of second chances.

I refer to expungement as a form of legal redemption when it comes to eligible convictions. This decision slams the door on so many individuals who have made changes in their lives that could benefit from an otherwise eligible conviction being expunged.

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<sup>1</sup> <https://moco360.media/2023/10/13/redeem-act-provides-second-chances-to-moco-residents/>; see also <https://www.washingtonpost.com/dc-md-va/2023/05/16/maryland-expungements-wait-times/>

Senate Bill 454 clarifies that expungements are to be allowed after the completion of the sentence. Senate Bill 454 allows expungement eligibility determination to be made at the time that the waiting period has been reached. One of the fundamental purposes of the expungement statute is to allow an individual to clear their record to move forward after a period of time that indicates rehabilitation. An individual who makes a mistake on probation is no less redeemable than an individual who has not.

Senate Bill 454 remedies the appellate case and will bring a more realistic approach towards otherwise eligible convictions. Rehabilitation is not easy and is not quick. Court imposed probation may not be free of mistakes, but that does not mean it should preclude redemption. Time and age are often factors in moving past any criminal behavior and the expungement statute, especially with the new REDEEM Act, takes this into account by providing waiting periods. Senate Bill 454 will modify the language of the expungement statute to remove the requirements that probation must be successful within the time period of the probation. It will keep doors from slamming in the face of reformed Marylanders and ensure that we continue to be a state of second chances.

Finally, the passage of this bill will not reduce any restrictions already in place to prevent an expungement if the individual has not been rehabilitated – no pending cases and no subsequent ineligible convictions restrictions remain. The State's Attorney and the victim can still object. Public policy regarding expungement is better served allowing the courts to assess the reasons for expungement, the person's character and rehabilitation; and whether the expungement as a whole would be in the best interest of justice.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB 454.**

**Submitted by: Government Relations Division of the Maryland Office of the Public Defender.**

**Authored by: Mary Denise Davis, Chief Attorney of the Pretrial Unit, Baltimore City  
marydenise.davis@maryland.gov, 410-878-8150.**

**HB0073\_SB0454\_BALT\_Testimony.pdf**

Uploaded by: Matt Parsons

Position: FAV

**TESTIMONY IN SUPPORT OF SENATE BILL 454/ HOUSE BILL 73**

**Criminal Procedure - Expungement - Completion of Sentence**

**TO:** Members of the House Judiciary Committee and Senate Judicial Proceedings Committee

**FROM:** Matt Parsons on behalf of Baltimore Action Legal Team

My name is Matt Parsons, and I am the Community Lawyer of Baltimore Action Legal Team (BALT). I submit this testimony in favor of Senate Bill 454/ House Bill 73 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement. BALT is a legal collective that was founded in response to community calls for legal support during the protests following Freddie Gray's murder. Since 2015 we remain committed to providing legal education and services to our community which help ameliorate the effects of systemic racism.

In 2022, the [Court of Special Appeals ruled](#) that any probation violation means a conviction is *indefinitely* ineligible for expungement under a legal interpretation that a violation means that the individual has not "satisfactorily completed the sentence" (regardless of the nature of the violation). Due to this ruling, he and every Marylander with decades-old misdemeanors, have no access to expungements, impacting their ability to secure employment, housing, education, occupational licensing, and financing, even though he was violated for cannabis possession which, since legalization, has brought [\\$700 million to the state in just one year](#).

Since this ruling, the Maryland General Assembly passed the [REDEEM Act](#), which cuts the criminal record expungement waitings in half, allowing millions of Marylanders to seek relief sooner, only to discover that they are still barred due to the Abhishek ruling.

Senate Bill 454/ House Bill 73 seeks to resolve this by altering the expungement criteria to be accessible at "the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision," removing the term "satisfies" and "satisfactorily" from the expungement statutes. This means that once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State's Attorney's Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10-110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that the [estimated 25% of working-age Marylanders with a record](#) (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society. For these reasons, we urge a favorable report.

For these reasons, BALT urges a favorable report on Senate Bill 454/ House Bill 73 from this committee.

# **SB 454- Maryland Legal Aid- FAV.pdf**

Uploaded by: Meaghan McDermott

Position: FAV





**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**Senate Bill 454**  
**Criminal Procedure- Expungement- Completion of Sentence**  
In the Judicial Proceedings Committee  
Hearing on February 9, 2024  
**Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written and oral testimony on SB 454 in response to a request from Senator Jill Carter.*

MLA testifies in support of SB 454. This bill provides clarity regarding the definition of sentence completion in Maryland Criminal Procedure Title 10; the portion of the code which governs criminal record expungement. The bill does not expand the expungement statute, but simply clarifies that a person may apply for an expungement when their sentence is complete, subject of course to other criteria such as timing, subsequent convictions, and disposition.

Maryland's robust expungement legislation is a testament to the power of second chances, and acknowledges the real harm done by overcharging and overincarceration. Over the past several years, the Maryland General Assembly has increased expungement opportunities for Marylanders. Just last year, the REDEEM Act of 2023 expanded the universe of case types eligible for expungement and shortened the waiting periods for expungement of convictions.

Unfortunately, a recent Appellate Court decision dealt a decisive blow to expungement, by finding that probation violations preclude a person from receiving an expungement. In *Abhishek*, the Court held that the appellant was not entitled to an expungement of an otherwise eligible theft because his probation for that case was closed as unsatisfactory when he was convicted of marijuana possession, now a decriminalized offense, during his probationary period.<sup>1</sup> Prior to this decision, "satisfying" a sentence was viewed as synonymous with completing a sentence. The *Abhishek* interpretation means that a Marylander who has served their time and met all other statutory expungement requirements cannot receive an expungement if they violate probation, have their probation closed unsatisfactorily, and are then sentenced to incarceration for the remainder of their sentence.

***This bill does not expand expungement; it is simply a technical fix that clarifies legislative intent.***

Passing SB 454 will not increase expungement filings in the courts, nor does it erode judicial or prosecutorial discretion. Prior to the September 2022

<sup>1</sup> *In re Expungement Petition of Abhishek I.*, 255 Md.App. 464, 282 A.3d 318, (2022).

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*Abhishek* decision, expungement petitions were regularly filed for charges that had probation violations. Some of these were granted with no issue; for others, the State objected and a hearing was set before a judge who decided the matter. The expungement statute gives the State discretion to file an objection based on the interest of justice. For crimes with a victim, the statute requires the court serve the expungement petition on the victim, so they too, can object to the expungement and be heard. None of these guardrails will shift because of SB 454.

***Linking expungement eligibility to probation violations disproportionately impacts Marylanders recovering from substance abuse and is antithetical to the rehabilitative purpose of expungement.***

The opioid epidemic devastated low-income communities across Maryland. The impacts are still deeply felt and ongoing in every Maryland county, but especially so in historically underserved communities, like the rural pockets of Western Maryland and the Eastern Shore, and the historically Black neighborhoods of Baltimore City.

Probation violations occur for many reasons, but MLA sees clients violating probation most often because they were arrested and sentenced during a time then they were using drugs. These clients received probation terms requiring negative drug tests. However, without resources, therapy, and time, it was virtually impossible for them to stay clean and meet their probation requirements. Many accepted an unsatisfactory probation closure to avoid further violations that could result in reinstatement of their sentence and jail time. These clients then went on to successful rehabilitation and sobriety; only to be denied expungement 15 or 20 years later because of an old probation violation.

A criminal record expungement is often one of the last steps on the path for someone to fully reenter their community and participate in family life by obtaining work and stable housing. The *Abhishek* case has taken away that possibility for our clients, and many other Marylanders who want nothing more than a fresh start.

***Linking expungement eligibility to probation violations disproportionately impacts low-income Marylanders.***

MLA clients also violate probation simply because their low-income status makes it more difficult, and sometimes impossible, to meet technical conditions of probation, such as in-person check-ins. Those check-ins may seem basic, but they often require childcare, transportation, time off work, and other concerns that make compliance nearly impossible. When faced with the possibility of remaining on probation, violating again, and receiving jail time, many clients choose to unsatisfactorily close out their probation.

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***Expungement legislation supports survivors.***

MLA is in the business of advocating for survivors; we only choose to support bills that advance the rights of our clients. MLA staffs a victim's assistance project, holds the contract for Children in Need of Assistance in almost every jurisdiction in the state, and regularly litigates divorce and custody cases for individuals living with or escaping violence. Many survivors of violence were victimized because they were otherwise vulnerable; they were using drugs, they were living in destabilized communities, and/or they were being trafficked and may therefore have criminal records related to their victimization. Domestic violence survivors are regularly arrested and charged alongside their abusers when they are forced to physically fight back. Thus, victims themselves often have criminal records and seek the rehabilitative power of expungement.

***MLA urges passage of SB 454, to preserve expungement opportunities for all Marylanders.***

If you would like additional information on this bill or the underlying issues it addresses, please contact Meaghan McDermott, Chief Attorney for Community Lawyering at Maryland Legal Aid, at [mmcdermott@mdlaborg](mailto:mmcdermott@mdlaborg)

# **NCADD-MD - 2024 SB 454 FAV - Expungement Completio**

Uploaded by: Nancy Rosen-Cohen

Position: FAV



## **Senate Judicial Proceedings Committee**

**February 9, 2024**

**Senate Bill 454**

### **Criminal Procedure - Expungement - Completion of Sentence**

#### **Support**

NCADD-Maryland supports Senate Bill 454. NCADD-Maryland has long advocated for policies that help people involved with the criminal justice system avoid some of the unintended collateral damage caused by our drug policies. When people who struggle with substance use disorders get treatment and start the recovery process, criminal records are often huge barriers to success. Obtaining employment and housing is difficult, and sometimes impossible. Without a place to live or a reliable income, some people are much more likely to re-offend and/or return to alcohol and drug use.

In 2022, the Court of Special Appeals ruled that any probation violation means a conviction is indefinitely ineligible for expungement under a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation). Senate Bill 454 seeks to clarify that expungements are to be allowed when the time allotted for the sentence has expired, including mandatory supervision and the waiting period.

These kinds of policy changes are a necessary component to significantly improving our communities. When people have served their time, they should have the opportunities and supports needed to ensure they are able maintain productive lives and livelihoods with their families. Removing some of the barriers to success will also help people with substance use disorders maintain their recovery.

We urge your support of Senate Bill 454.

*The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.*

**SUPPORT SB454 - VOP expungement.docx (1).pdf**

Uploaded by: Philip Caroom

Position: FAV

## SUPPORT SB 454 – expungement

MARYLAND ALLIANCE FOR JUSTICE REFORM  
Working to end unnecessary incarceration and build strong, safe communities



TO: Chair Will Smith and Senate Judicial Proceedings Com.  
FROM: Phil Caroom, MAJR Executive Committee  
DATE: February 9, 2024

Maryland Alliance for Justice Reform (MAJR - [www.ma4jr.org](http://www.ma4jr.org)) strongly supports Senate Bill 454 to reduce the impact of incarceration by eliminating probation violations as a permanent roadblock to criminal record expungement. Here is why:

The Maryland appellate court's Abhishek ruling, in 2022, provided that any probation violation makes the original conviction *indefinitely* ineligible for expungement since the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation).

This decision functionally contradicts the evidence-based policies of Maryland's Justice Reinvestment Act (JRA) and every American drug court which recognize that a technical or trivial violation of probation should not block recovery and opportunity to regain status as a healthy, law-abiding citizen. Under the JRA, a “technical violation” of probation (not a new offense or absconding), at most, should be presumed to cause only a temporary and limited sanction – not a lifetime penalty. Under Drug Court practices, even a person who has slipped on one or a few occasions eventually may succeed and successfully complete a treatment program, then graduate and successfully complete their probation.

Also, since the Abhishek ruling, the Maryland General Assembly passed the REDEEM Act, which cuts the criminal record expungement waitings in half, allowing millions of Marylanders to seek relief sooner – only to discover that they are still barred due to the Abhishek ruling.

With the Abhishek ruling, even Marylanders with decades-old misdemeanor convictions now have no chance for expungement, impacting employment, housing, education, occupational licensing, and financing, if their violations of probation are for now-legal cannabis possession.

Senate Bill 454 seeks to resolve this problem by providing eligibility's determination at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” and removing the term “satisfies” and “satisfactorily” from the expungement statutes.

Thus, once a person has served the entire sentence *and* finished the additional 5-10-year waiting period, they will be eligible for expungement *if* the charge is eligible. The State's Attorney's Office and the victim still retain the right to object to the expungement in accordance with Criminal Procedure §10–110 f(1). This is a rational and balanced approach to ensuring that the estimated 25% of working-age Marylanders with a record (pg.33) can receive the expungements necessary to allow them to properly reacclimate into society.

For these reasons, MAJR urges a favorable report on SB 454.

*PLEASE NOTE: Phil Caroom offers this testimony for Md. Alliance for Justice Reform and not for the Md. Judiciary or any other unit of state government.*

# **Maryland Testimony - Senate Bill 454.pdf**

Uploaded by: Ryan Ewing

Position: FAV





**TESTIMONY IN SUPPORT OF SENATE BILL 454**

Criminal Procedure - Expungement - Completion of Sentence

TO: Hon. William C. Smith, Jr., Chair, and Members of the Senate Judicial Proceedings Committee

FROM: Jesse Kelley, Senior Policy Strategist

The Clean Slate Initiative (CSI) works with state legislatures to pass and implement laws that automatically clear eligible records for people who have completed their sentence and remained crime-free. Our vision is that people will no longer be defined by their records and will have the opportunity to contribute to their community, have a fair opportunity to work, get an education, and achieve their full potential.

Clean Slate is a bipartisan policy model that may use technology to automate arrest and conviction record clearance if a person stays crime-free for a period of time. It's a proven and successful model to implement common-sense policies that create transformational changes in people's lives.

Clean Slate is rooted in the belief that if you work hard, you should be able to get ahead and provide for your family. Everyone deserves a shot at redemption. People who have made mistakes, paid their debt to society, and now want to make a better life for themselves and those who depend on them deserve a chance to do so.

As of February 2024, twelve (12) states have passed Clean Slate policies that provide for automatic record clearance, including Maryland's neighbors in Delaware, Pennsylvania, and Virginia. In no instance is the right of expungement or record clearance in these states predicated upon flawless performance during probation.

SB 454 clarifies the General Assembly's intentions for expungement eligibility, removing the lingering doubt inserted into the process by the interpretation of case law. SB 454 reaffirms the understanding that people make mistakes, and that the road to redemption can have its share of bumps along the way. Finally, SB 454 returns Maryland to the mainstream of expungement and record clearance best practices across the nation.

The legislative correction envisioned in SB 454 is so essential to the success of a Clean Slate policy in Maryland that the language is also incorporated into the draft legislation proposed in the Clean Slate Act of 2024 - the subject of a future hearing date.

For the foregoing reasons, we urge a favorable report.

# **TESTIMONY IN SUPPORT OF Senate Bill 454 \_ House Bi**

Uploaded by: Stanley Andrisse

Position: FAV

## TESTIMONY IN SUPPORT OF [Senate Bill 454 / House Bill 73](#):Criminal Procedure - Expungement - Completion of Sentence

**To: Christopher Dews, Policy Consultant, and Members of the Senate Judicial Proceedings and House Judiciary Committee**

From: Stan Andrisse, PhD, MBA, Endocrinologist Scientist & Faculty, Howard University College of Medicine

**February 08, 2024**

Dear Members of the Senate Judicial Proceedings and House Judiciary Committee:

My name is Dr. Stanley Andrisse. I am a **formerly incarcerated person** with 3 felony convictions, sentenced to 10-years in prison. I was once told I had no hope for change. I am now an endocrinologist & professor at two world renowned medical institutions. **People can change.** With mentoring and support, statistics and many personal stories show that **offering second chances is healthy for the individual, healthy for their families, and healthy for the community.**

I hold several professional positions that I split my time between. Primarily, I am an Assistant Professor in the Department of Physiology and Biophysics at Howard University College of Medicine. I am also an Alumni Adjunct Assistant Professor in the Division of Pediatric Endocrinology at Johns Hopkins Medicine. More pertinently, I am the Founder and Executive Director of [From Prison Cells to PhD](#), a mentoring program aimed at helping individuals from underrepresented backgrounds enter and excel in college. Mentorship and education were transformational in my personal journey. This is why **I fully support Senate Bill 454 / House Bill 73.**

My interest in this stems from my story. Growing up in Ferguson, Missouri, I got involved with making poor decisions at a very young age. By my early 20's, those poor decisions had exacerbated, and I found myself sitting in front of a judge facing 20 years to life for drug trafficking charges. The prosecuting attorney classified me as a prior & persistent career offender. The judge sentenced me to 10 years in a maximum-security prison.

Very much tied to my departure, my dad's health plummeted while I was in prison. Through phone calls and letters, I'd hear that piece by piece, they amputated his lower limbs up to his torso. Before I could reconcile our relationship, he fell into a coma and passed due to complications associated with type 2 diabetes. Upon release, after several rejections, I was accepted into a Ph.D. program, completed my Ph.D./M.B.A. simultaneously, and started at Johns Hopkins Medicine.

**Education has been the game changer for me.** I share this with you to give you the perspective of I support this bill. This bill will help change the life trajectory of men and women with criminal records. I am a three-time convicted felon. Education has given me the tools and the titles to balance out those strikes that I placed against me. More important than the letters behind my name, **education has broadened my life perspective and has given me hope.**

I am quite certain that it was because of this "criminal conviction" question that I was rejected from several of the PhD programs I had applied to. Fortunately for me, I had made a good impression on one of my college professors from my undergraduate studies (before I went to prison). This professor vouched for me and had a connection to the admissions committee at Saint Louis University. I completed my PhD at the top of my class and 2 years earlier than expected, suggesting that I was indeed qualified to have been admitted to the other programs. This short one sentence question is a mountainous barrier to one's

successful reintegration into society. It is my and many others' scarlet letters. Yes, I am a convicted felon. But I am also a doctor, a scientist, an MBA holder, a newlywed husband, a son to an aging mother, a community organizer, an institutional leader, a youth mentor, a published author, and many other things. Eliminating me before you know all of these other great things is an injustice to society. I am in full support of House Bill 454 / House Bill 73. I humbly urge a favorable report.

**Stanley Andrisse, MBA, PhD**

Executive Director, [From Prison Cells to PhD](#)  
Assistant Professor, Howard University COM, Physiology  
Alumni Adjunct Assistant Professor, Johns Hopkins, Pediatrics  
fromprisoncellstophd@gmail.com, 314-922-0198  
PO Box 1285, Baltimore, MD 21203

Sincerely,

A handwritten signature in black ink that reads "Stanley Andrisse". The signature is written in a cursive style with a large, prominent initial "S".

Stanley Andrisse, M.B.A., Ph.D.

# **LBCMD Priority Support Letter - SB 454.pdf**

Uploaded by: Ufuoma Agarin

Position: FAV



# LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401  
410-841-3185 • 301-858-3185 • 800-492-7122 Ext. 3185 • Fax 410-841-3175 • 301-858-3175 • Black.Caucus@house.state.md.us

February 8, 2024

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Chairman William C. Smith, Jr.  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

Dear Chairman Smith and Members of the Senate Judicial Proceedings Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for Senate Bill 454 - Criminal Procedure - Expungement - Completion of Sentence, which aims to reduce the impact of incarceration on African Americans by eliminating probation violations as a permanent roadblock to criminal record expungement. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

A criminal record can be both the cause and consequence of poverty and has detrimental effects on the employment, housing, education, and licensing prospects for the [estimated 25% of working-age Marylanders with a record](#) (pg.33). Every year, approximately 15,000 Marylanders are released from state prisons and struggle to secure a job, find a place to live and reenter society. Demographically, [71% of Maryland's prison population is black](#) (pg.20), the highest in the nation, leaving African-American Marylanders disproportionately impacted by lack of access to education, housing, and employment due to a criminal record. [One out of three](#) Marylanders returning from incarceration return to Baltimore City, with Prince George's County as a close second. Combined, these two jurisdictions make up over half of the black population in Maryland (56%) - so when returning citizens are denied jobs, housing, and other necessities, these communities are hit hardest. For these reasons, The Black Caucus within the Maryland General Assembly has supported pathways to re-entry for public safety, family unity, opportunity, and access to generational wealth, primarily via criminal record expungements.

Last year, the Maryland General Assembly (MGA) passed the [REDEEM Act](#), which cut the criminal record expungement waiting periods in half, allowing millions of Marylanders access to expungements and employment, only to discover that thanks to a [2022 Court of Special Appeals ruling](#), any probation violation meant a conviction is *indefinitely* ineligible for expungement. This was due to a legal interpretation that a violation means that the individual has not “satisfactorily completed the sentence” (regardless of the nature of the violation) under Criminal Procedure under [§10-105](#) and [§10-110](#). Since a violation can range from allegedly committing another offense to simply missing an appointment due to a lack of reliable transportation, many returning citizens have one on their records, especially those in recovery for substance abuse.

The case under question, colloquially known as the [Abhishek Case](#), involved a gentleman placed on one year of supervised probation for pleading guilty to a misdemeanor theft charge of under \$500 in 2008. During his probation, he was arrested for cannabis possession (now legal in Maryland), sentenced to four days' incarceration, and had his probation closed “unsatisfactorily.” 12 years later, he was denied an expungement due to the violation even though he served multiple sentences and waited the required waiting period. We believe that, for charges that the MGA has authorized

as *eligible* for expungement, once a person has served their entire sentence and has waited through the 5-15-year waiting period, they should be eligible to have the charge expunged.

Senate Bill 454 seeks to resolve this by altering the expungement criteria to be accessible at “the **time when a sentence has expired**, including any period of probation, parole, or mandatory supervision,” removing the term “satisfies” and “satisfactorily” from the expungement statutes. The State’s Attorney’s Office and the victim still retain the right to object to the expungement in accordance with [Criminal Procedure §10–110 f\(1\)](#), leaving the courts to make the final decision as to whether or not the expungement is in the interest of justice as opposed to a blanket ban on all violations. We see this as a rational and balanced approach to ensuring that Black families can receive the expungements necessary to allow them to reacclimate into society properly. For these reasons, the Legislative Black Caucus of Maryland supports Senate Bill 454 and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland



# **MCPA-MSA\_SB 454 Expungment Completion of Sentence\_**

Uploaded by: Natasha Mehu

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 9, 2024

RE: **SB 454 - Criminal Procedure – Expungement – Completion of Sentence**

POSITION: OPPOSE

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE SB 454**. This bill creates a new definition for the completion of a sentence of parole or probation for purposes of expungement.

Under SB 454, completion of a sentence is defined as "...when a sentence has expired including any period of probation, parole, or mandatory supervision" for purposes of expungement. Under current law there is a small, but meaningful distinction, that for purposes of an expungement there must be "satisfactory" completion of a sentence before someone may apply for an expungement.

The word "satisfactory" is important because without it there could be scenarios in which someone is able to petition for expungement while a violation of probation is pending and before a judge can revoke that probation. Said person could violate probation or parole multiple times and still get an expungement because of that gap between satisfactory completion and determining there is a violation. Requiring that a sentence be "satisfactorily" completed in order to have a conviction expunged provides incentive for individuals to comply with probation, parole, and conditions of the sentence.

For these reasons, MCPA and MSA **OPPOSE SB 454** and urge an **UNFAVORABLE** Committee report.

# **SB 454-Criminal Procedure- Expungement-Completion**

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Position: UNF



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**Bill Number: SB 454**

**Maryland State's Attorneys' Association**

**Opposed**

**WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'**  
**ASSOCIATION IN OPPOSITION TO SENATE BILL 454**  
**CRIMINAL PROCEDURE-EXPUNGEMENT-COMPLETION OF**  
**SENTENCE**

The Maryland State's Attorneys' Association is opposed to Senate Bill 454 - Criminal Procedure-Expungement-Completion of Sentence and asks for an unfavorable report.

Over the years the General Assembly has crafted legislation to permit an individual who has committed a crime or crimes to demonstrate to society that they are deserving of a second chance in certain circumstances. For decades that has included the ability to expunge a Probation Before Judgment for all offense except DUI's as long as they show in just a three year period that they can obey the law and successfully complete their sentence and probation. Through the Justice Reinvestment Act in 2016, the General Assembly extended this opportunity to guilty findings of most misdemeanors and some felonies. Understandably, a time frame was established for the individual to again demonstrate a respect for the law and the rules and restrictions placed upon them for their crime. To accomplish this, the statutes require that the time frame be established starting at the point the individual has "satisfactorily" completed their sentence.

This Bill would allow a person to expunge a PBJ or conviction even if they showed no regard for the conditions of probation or restriction placed upon them. This is contrary to the purpose of granting a second chance to a person. If this legislation were to pass a person could repeatedly violate their parole or probation and still get the conviction expunged after the required time period.

In addition, the individual could show no regard for the Court or the victim of their crime and then harm the victim even further with the expungement. For example, a person could be convicted of theft and placed on probation. The Judge may order the defendant to pay restitution to the victim, court costs and supervision fees to Parole and Probation. That individual, despite the ability to do so, could then just choose to pay nothing. With the restrictions now placed on Judges by the Justice Reinvestment Act, the most a Judge could do is put the person in jail for 15 days. For that reason, there are many Judges who therefore don't bother with violations of

probation. They may choose to close out the case unsatisfactorily and enter a judgment of restitution and possibly refer the judgment and costs to Central Collection. Now, after the set time period, the defendant can file for expungement and wipe the record clean of the PBJ or conviction along with any obligation to the victim. This is not a just result.

A person granted Probation Before Judgement or convicted of one of the many offenses listed in Criminal Procedure §10-110 should be asked to earn an expungement by showing a respect for the Judge and victim. This legislation will prevent that.

We ask for an unfavorable report.