



**House Bill 0867 - Criminal Procedure - Expungement and Shielding - Probation Before Judgment for Driving While Impaired or Under the Influence**

**Position:** FAVORABLE

**TO:** Chair Clippinger, Vice Chair Bartlett, and Members of the Judiciary Committee

**FROM:** The Maryland Recovery Advocacy Project

The Maryland Recovery Advocacy Project (RAP) is a network of people in recovery and impacted family members advocating for policies that support recovery from substance use disorder (aka addiction).

Many RAP members, including some who've been in recovery for years, have had job offers rescinded, rental applications rejected, or professional licensure denied due to a record of driving while impaired or under the influence.

However, given the serious nature of these offenses, we understand there may be concerns over allowing these types of charges to ever be expunged. Afterall, what if the individual relapses and reoffends?

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

- The overwhelming majority of individuals charged for DUI/DWI do not reoffend. In fact, only 13% of individuals in the dataset were charged with DUI/DWI more than once.
- Of the small number of individuals who reoffend, 90% of those incidences occurred within seven years of each other (96% within 10 years).

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

Obviously, there need to be consequences for an offense as serious as DUI/DWI. However, once a decade has passed without reoffending, individuals deserve a fresh start. For these reasons, The Maryland Recovery Advocacy Project urges a favorable repost on HB0867.