

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 118
Criminal Procedure – Expungement and Shielding – Probation
Before Judgment for Driving While Impaired or Under the
Influence
DATE: March 22, 2024
(4/1)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and recognizes that setting the scope of expungable offenses is a legislative prerogative. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such policy matters.

We write to make note of certain aspects of this legislation that may not be readily apparent to ensure awareness of its full impact. Expungement impacts the court's ability to fashion appropriate sentences in that it deprives judges of relevant information should there be a subsequent offense. It will be more difficult to make informed decisions, including as to the need for substance abuse treatment, without access to a defendant's history of all prior offenses. This would deprive the court of relevant information and

public safety may be put at an increased risk as a result. Moreover, impaired driving offenses are statutorily subject to enhanced penalties for repeat offenders. It is hard to apply those provisions without access to information about prior offenses. Further, it is unclear what “discharged from probation” means on page four and whether that discharge must be successful.

Finally, this bill will require additional resources for the Judiciary. The Judiciary anticipates a high demand related to petitions for expungement and petitions to shield. To account for that, the Judiciary anticipates a minimum of **15** new positions would be needed in the District Court, another **2** new positions would be needed in the circuit courts to handle the increased workload. The total of **17** new positions will result in approximately **\$ 1,131.608.00** in additional personnel costs and other operational expenses in the first full fiscal year.

cc. Hon. C. Anthony Muse
Judicial Council
Legislative Committee
Kelley O’Connor