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March 28, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Tiffany Johnson Clark
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 11 – Criminal Procedure – Partial Expungement (**Support**)

The Office of the Attorney General (OAG) urges the Judiciary Committee to give **Senate Bill 11 – Criminal Procedure – Partial Expungement** sponsored by Senator Jill Carter a favorable report. Senate Bill 11 authorizes the partial expungement of eligible charges within a unit if one or more of the charges is ineligible and establishes procedural requirements for partial expungements.

Under current law, when a defendant has multiple counts or cases from the same incident, the defendant is only eligible for expungement if the entire “unit of prosecution” is eligible for expungement. For example, an individual is charged with drunk driving and illegal possession of a firearm. The individual goes to court and pleads to the firearm charge, but the State noll prosses the drunk driving charge. The individual cannot expunge the otherwise-expungement-eligible noll prossed drunk driving charge because it is from the same “unit of prosecution” as the non-expungement-eligible firearm charge.

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 11**.

cc: The Honorable Jill Carter
Judiciary Committee Members